Supreme Court, U.S.
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Docket Number _____.

Supreme Court of the United States
1 First Street, N. E.
Washington, DC 20543

Karen Holcomb and Minor
Daughter Spencyr Kalberer-ford
AKA Spencyr Holcomb
Petitioner, (Pro-se)

v.

John Ford
Respondent

Petition for a Writ of Certiorari to the Florida 2nd District Court of Appeal, to the Florida 20th Circuit Court, and possibly as subsidiary question to the Florida Supreme Court.

Petition for writ of Certiorari "Initial Brief"

Karen Holcomb, Petitioner, (Pro-se)
(seeking an attorney at Universities and elsewhere)
PO Box 82, Ferndale, Fl. 34729 (407)-469-2510

Thomas Franchino "Respondent Attorney of Record"
1250 N. Tamiami Trail, Suite 106, Naples, FL 34102
(239)-263-8357

Attorney General of Florida Charlie Crist, (Respondent)
Office of Attorney General
The Capitol PL-01, Tallahassee, Fl. 32399-1050
(850)-414-3990 **(28 U.S.C. –2403(b) may apply)**

93 pp

Question for Review

Will this Honorable United States Supreme Court grant a Writ of Certiorari that requires the Collier Circuit Court and the Second District Court of Appeal to provide the Petitioner, the Minor Petitioner, and the Minor Petitioner's father English Citizen Equal Protection of the Law as guaranteed by the 14th Amendment of the United States Constitution for the cited Florida Statutes, the Florida Rules of Procedure, and the Case Laws cited? "Florida Statute (FS) 744.301, FS 61.052(4), and Sanders v. Yancey, (natural parents), FS 61.13(3)(a) through (m) (best interest of child), FS 61.13(2)(b)2, FS 744.309, and FS744.321 (Convicted felons not to be guardians), Rules of Procedure for Terminating parental rights and Change of Custody, Bush v Gore and Bush v. Palm Beach County Canvassing Board (Courts cannot make law), FS 742.12 and Wolfe v. Wolfe (Paternity test required), Paxton v. Paxton, (Stepparent not entitled to parental rights, Ford v. Loeffler (Man cannot have paternity rights without proof of paternity)" And Florida Constitution Article 5 Section 3 and Perkins v. State which denies Petitioners Judicial Review in Florida Supreme Court, and settlement of non uniform Decisions by the Collier Circuit Court and Second District Court of Appeal are all issues, from which the Florida Courts have inflicted unequal Protection of the law, which the Petitioners respectfully request a Writ of Certiorari requiring uniformity of the laws and case laws above and enjoining enforcement of the February 13, 2002 ruling of paternity for Respondent, and March 11, 2002 Order giving Petitioner residential custody of Minor Petitioner, and maybe sending case back to the Florida Supreme Ct.

Parties to the Proceeding

Karen Holcomb, Petitioner (Pro-Se)
Spencyr Holcomb (Minor Petitioner)
Aka Spencyr Paulina Kalberer-ford
(US and English dual citizenship by birth)
19950 CR 455, Clermont, Fl. 34711 (407) 469-2510
(Prior to removal by Appealed Order)
2358 River Reach Dr. Naples, FL 34104
(while with Respondent)

Ajit Mark Bally (Minor Appellant's Father)
Address unknown

John Ford, (Respondent)
2358 River Reach Dr. Naples, Fl 34104
No telephone

Subsidiary question under 28 U.S.C.-2403(b)
Attorney General of Florida Charley Crist, (Respondent)
Office of Attorney General
The Capitol PL-01, Tallahassee, FL 32399-1050
(850) 414-3990

U.K. British Ambassador
U.K. British Embassy (Minor Appellant British Rights)
3100 Massachusetts Ave.
Washington, DC, 20008

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Petition for a Writ of Certiorari

Petitioners Karen Holcomb and Minor Petitioner Spencyr Kalberer-ford aka Spencyr Holcomb respectfully pray that this Honorable United States Supreme Court grant a Writ of Certiorari to change the judgments and opinions of the Florida Second District Court of Appeal, the Florida 20th Circuit Court and possibly the subsidiary Constitutional Question concerning the Florida Supreme Court.

Opinions Below

In the Florida 20th Circuit Court, (case # 99-3967-CA-01), the February 13, 2002, Ruling that the Respondent is the Minor Petitioner's father is in the Appendix to the Petition at Appendix 1.

There is no Court Order in existence terminating the Minor Petitioner's natural/birth father, Ajit Mark Bally's parental rights.

In the Florida 20th Circuit Court, (case # 99-3967-CA-01), the March 11, 2002, Order changing residential custody is in the Appendix to the Petition at Appendix 2.

In the Florida Second District Court of Appeal, (case # 2D02-1205), the June 24, 2003, Order denying Appellant's motion for reconsideration, (date of order from the highest court of which a decision could be had) is in the Appendix to the Petition at Appendix 4.

In the Florida Second District Court of Appeal, (case # 2D02-1205), the May 30, 2003, Order Affirmed, Per Curiam is in the Appendix to the Petition at Appendix 6.

In the Supreme Court of Florida, (case # SC03-1395), the August 15, 2003, Order denying jurisdiction to consider appeal is in the Appendix to the Petition at Appendix 5.

Statement of Jurisdiction

The Petitioners come to this Honorable United States Supreme as the Court of last resort.

On June 24, 2003, the Honorable Second District Court of Appeals denied request for reconsideration.

On September 15, 2003, the Honorable Florida Supreme Court denied it had jurisdiction for review.

On July 30, 2003, the Honorable United States District Court for Middle Florida stated: " the United States District Court has no authority to review final judgments of a state court in judicial proceedings. Review of such judgments may be had only in the United States Supreme Court."

The Petitioners believe the Honorable United States District Court for Middle Florida, that the United States Supreme Court does, in fact, have discretionary judicial review of state court proceedings.

The Petitioners believe that the claim of denial of "Equal Protection," of Florida Statutes, Rules of Procedure, and Case Laws, guaranteed to the Petitioner, the Minor Petitioner, and maybe the Minor Petitioner's father, British Citizen Ajit Mark Bally by the 14th Amendment of the United States Constitution, gives this Honorable United States Supreme Court jurisdiction. Title 28 USCS 1257. State Courts; certiorari, (a). Please see page 4.

The Petitioner also believes that the prohibited discretionary judicial review by the Florida Supreme Court of Affirmed District Court of Appeal Orders is unconstitutional because it prohibits judicial review by the Florida Supreme Court and results in unequal or not uniform Protection of Law.

The Petitioner and Minor Petitioner pray that this Honorable United States Supreme Court will be willing to spare some of it's valuable time for the Rights and safety of the 12-year old female Minor Petitioner.

Statutes and Case Laws Involved

The Constitution of the United States Amendment 14

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the law.

Title 28 – Judiciary and Judicial Procedures.
 # 1257. State courts; certiorari

(a) Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States.

Florida Statute 744.301 Natural Guardians

(1) The mother and father jointly are natural guardians of their own children and of their adopted children, during minority. If one parent dies, the natural guardianship shall pass to the surviving parent, and the right shall continue even though the surviving parent remarries ....

Florida Statute 61.052(4)

No judgment of dissolution of marriage renders the child born of the marriage a child born out of wedlock.

Sanders v. Yancey, 122So.2D202 (Fla2dDCA 1960)

Divorce does not make child of marriage illegitimate.

Florida Rules of Procedure, Rule 8.500, 8.505, 8.510, 8.515, 8.520, 8.525, and 8.535, Termination of parental rights, Minor Petitioner's father, Ajit Mark Bally's parental rights have never been terminated.

Paxton v. Paxton, Florida 9th Circuit Ct. DR95-8452

Stepparent has no inherent rights to stepchild.

Bush v. Gore 121S.Ct. 525(2000)

Florida Courts not allowed to establish new standards, invent new laws.

Bush v. Palm Beach County Canvassing Board, 121S. Ct. 471(2001)

Florida Courts not allowed to establish or invent new laws.

Ford v. Loefler, App.3Dist.,363 So.2d23(1978)

"The right to sue for paternity lay with the mother, and Plaintiff, was without the right to have himself declared the father of a child the mother denied was his and thus since Plaintiff could not establish paternity, he was not entitled to visitation rights"

Florida Statute 61.13(3) (a) through (m)

Best interests of the child.

Florida Statute 61.13(2)(b)2,

Convicted felons with domestic violence history are not allowed custody or unsupervised visitation. Not in the best interest of the child.

Florida Statutes 744.309 and 744.321

Convicted felons not allowed to be guardians.

Florida Statute 742.12

Scientific paternity test required in paternity disputes

Wolfe v. Wolfe, App.1 Dist.,324 So.2d133(1991)

Scientific paternity test required in paternity disputes

Florida Rules of Procedure for Change of Custody.

Concise Statement of Appeal

On November 23, 1989 the Petitioner married English citizen Ajit Mark Bally. On July 7, 1991 Petitioner/Bally daughter was born. (Dual citizenship child). On June 16, 1993, the marriage ended in divorce.

On July 24, 1994 the Petitioner married the Respondent when Minor Petitioner was 3-years old. The Respondent never adopted or supported Minor Petitioner.

After 5 years of abuse and domestic violence that included over 150 Respondent rapes of the Petitioner, the Respondent threatened to kill the Petitioner, July 19, 1999, because Respondent wanted the last $25,000 of the Petitioner's $190,000 (1997) inheritance from her father. After arrest and No Contact Order, the Respondent emptied the Petitioner's bank account ($29,000), leaving Petitioner with 3 children and no money. (The 20th Circuit Court has allowed the Respondent to keep all of the Petitioner's $190,000 inheritance, in a bifurcated divorce with no financial discovery required of the Respondent).

Divorce followed, Petitioner denied Respondent's unfounded claim of paternity and requested paternity test.

On June 28, 2000, the 20th Circuit Court ruled that the stepparent/Respondent did not need to take a paternity test for unrelated Minor Petitioner, and ruled "3. That the paternity test shall be requested from the alleged natural father," (Ajit Bally), in defiance of Florida Statutes (FS) 742.12, Wolfe v. Wolfe, and Ford v. Loefler.

On April 18, 2001, Divorce was bifurcated from Dissolution without Minor Petitioner paternity resolved.

On May 15, 2001 (over a year and a half into case) Collier Judge Ellis asked the Petitioner, "Oh? You weren't married to the Petitioner, (Respondent), when Spencyr was born?" During May 15, 2001 ruling Collier Judge Ellis admitted Paternity of Minor Appellant was not resolved. (May 15, 2001 transcript) Citation and Appendix page 12.

On May 16, 2001 Second DCA appeal was filed.

On July 30, 2001 Petitioner proved Ajit Bally paternity.

On January 4, 2002, and continued on February 13, 2002, hearings, on Petitioner's July 30, 2001, Motion to terminate Jurisdiction of Petitioner/Bally child, and Respondent motion for contempt for no visitation July 26, 2001 to Sept.18, 2001, during "No Contact Order",(death threat) were held. Judge Ellis's opening question, "Are there any outstanding appeals against me? The Petitioner: "Yes."

On February 13, 2002 the 20th Circuit Court ruled without proof of paternity, adoption, or terminating Ajit Bally's parental rights, Ex-stepparent/ Respondent father of Minor Petitioner to, acquire Jurisdiction, in defiance of FS 744.301, FS 61.052(4), and case laws Sanders v. Yancey, Ford v. Loefler, and Paxton v. Paxton (Fl. 9th Circuit Court).

On March 11, 2002 the 20th Circuit Court Ordered, changing of custody from Petitioner to Respondent, not following the Florida Rules of Procedure for Change of Custody, FS 39.13, FS 61.13 (Best interest of child), FS 744.309(3) FS 744.312, and 61,13(2)(b)2, (Domestic violence felons not to have visitation or custody).

The disposition in the 20th Circuit Court, the Petitioner, and Minor Petitioner are trying to have new Judge Monaco return the Minor Petitioner to Petitioner.

On September 12, 2003 Judge Monaco denied having jurisdiction to return Minor Petitioner to Petitioner, due to Petitioner's Appeal of Collier Court violating Florida Protection Statue 787.03(4)(a)and(c). **Judge Ellis similarly had no jurisdiction, for the Collier Court Orders of February 13, 2002, and March 11, 2002, made during 2D02-2388 Appeal.** It remains to be seen if Judge Monaco is going to continue to enforce the Judge Ellis Orders, which were made without jurisdiction per Judge Monaco, 9-12-03.

The Judge Monaco order also means he is not going to require visitation during any appeal, since he denies jurisdiction to make rulings, so the Respondent has refused to allow the Petitioner **visitation** with Minor Petitioner until Judge Monaco, **"makes him."**

Argument

The Petitioner, the dual citizen Minor Petitioner, if allowed, and the Minor Petitioner's father, Ajit Mark Bally, (natural born English Citizen, Appendix 16), are entitled to Equal Protection of Florida and possibly international laws, guaranteed by the **14th Amendment to the United States Constitution.** (Page 4) (Ajit Bally's rights as parent until terminated).

English born Ajit Bally, (known as Mark to most), and the Petitioner married in Miami, Florida November, 23, 1989. (Appendix 16) Their daughter, the Minor Petitioner, was born July 7, 1991. (Appendix 18) Ajit Bally and the Petitioner divorced June 16, 1993. (Appendix 17) As a child of a British citizen born in the United States, the Minor Petitioner should have rights of dual citizenship.

Florida Statute **(FS) 744.301** (Page 4) and **Sanders v. Yancey,** 122So.2D202 (Fla2dDCA 1960) (Appendix 39–40) are irrefutable as to who the father is, yet the 20th Circuit Court ignored Ajit Bally's parental rights, as well as the Petitioner's and the Minor Petitioner's parental rights.

Ignoring a July 30, 2001, motion to terminate jurisdiction over the Ajit Bally/Petitioner daughter, (Minor Petitioner), the 20th Circuit Court **invented paternity,** and ruled February 13, 2002, that the Respondent is the Minor Petitioner's father without terminating British citizen Ajit Bally's parental rights, supplemental petition, or proof of paternity. (Appendix 1) On March 11, 2002, the 20th Circuit Court denied the Petitioner's July 30, 2001, motion to terminate jurisdiction over the Minor Petitioner, and Ordered the Respondent Residential Custody (Appendix 2-3), without following the **Florida Rules of Procedure for Change of Custody,** (no viable Supplemental Petition filed or served, no Federal Uniform Child Jurisdiction

Act Affidavit filed or served, no 30 day notice prior to trial, no legal counsel made available for the Petitioner or Minor Petitioner, no Guardian ad Litem to represent the best interest of the Minor Petitioner, nor were the due process rights of the mother guarnteed under the Florida Family Law Rules of Proceedure accorded to the Petitioner, and No service to father, Ajit Bally,) (Appendix 19) and Florida Statutes for best interest of the child, and per the September 12, 2003 Judge Monaco Order, (Appendix 7) this was done during an appeal so Judge Ellis was without Jurisdiction for that as well.

In **Bush v. Gore** 121 S.Ct.525(2000), the Florida Supreme Court was not allowed to establish new standards for counting votes. The Florida Supreme Court was not allowed to change State elector appointment procedures after election day in **Bush v. Palm Beach County Canvassing Board,** 121 S. Ct. 471(2001). In other words Courts are not allowed to make "Law." The 20th Circuit Court likewise should not be allowed to establish new ways to **invent paternity,** or replace the Minor Petitioner's father Ajit Bally without first following the **Florida Rules of Proceedure for Terminating Parental Rights.** (Appendix 43) English Citizen Ajit Bally's Parental rights to the Minor Petitioner have never been terminated. The 20th Circuit Court has no Jurisdiction to Terminate Ajit Bally's parental Rights. The Collier Circuit Court should be required to follow **FS744.301** and **FS 61.052(4)** with respect to English Citizen Ajit Bally's parental rights and Minor Petitioner's rights to her father, Ajit Bally.

The 20th Circuit Ct should be required to be uniform with **Paxton v Paxton**, 9th Circuit Ct. DR95-8452, Quoting the Honorable Judge Charles N. Prather:

"It is Ordered B. Linda Paxton is the wife of Garry A. Paxton, and as such, is a **stepparent** of DUSTIN

STEELE PAXTON. The parents may agree to responsibilities as stepparent, but she, as Former Husbans's wife and **stepparent** of Dustin, has **no inherent rights in or to Dustin."** (Appendix 38) Affirmed in the 5th DCA, Paxton v. Paxton 5D02-930.

The 2nd D C A and Collier Circuit Court should be required to be **uniform** with case law, Sanders v Yancey and Paxton v. Paxton so March 11, 2002 Collier paternity rulings should be enjoined, struck, and void.

The Minor Petitioner and Petitioner are entitled to **"Equal Protection"** of Florida Statutes concerning "the best interest of the child, (Minor Petitioner)."

Florida Statute 61.13 "(3) for primary residence the best interest shall include an evaluation of all factors affecting the welfare and interest of the of the child including (b**) the love affection and other emotional ties between the parents and child, and (i) The reasonable preference of the child,** if the court deems the child to be of sufficient intelligence, understanding, and experience to express a preference. Attached in Appendix pages 46 to 52 are several documents where the Minor Petitioner indicates clearly that her love and preference to live, is with the Petitioner. The Minor Petitioner and Petitioner are entitled to **"Equal Protection"** of the law. The March 11, 2002 Collier Circuit Court change of custody order did not consider the love and affection between the Petitioner and the Minor Petitioner, nor did it consider the reasonable preference of the child and is **not uniform** with FS 61.13(3)(b) and (i).

Florida Statute 744.312, FS 744.309, "Convicted felons not allowed to be guardians", and **FS 61.13(2)(b)2** "... Evidence that a parent has been convicted of a felony of the third degree or higher... creates a rebutted presumption of detriment to the child. If the presumption is not rebutted, shared parental

responsibilities, including visitation, residence of the child, and decisions made regarding the child, may not be granted to the convicted parent. (ex-stepparent/ Respondent, in this instance)...**whether or not** there is a **conviction** of any offense of domestic violence, the court shall consider evidence of domestic violence or child abuse as evidence **detrimental to the child.**

The Minor Petitioner has witnessed the **Respondent threaten to kill the Petitioner**, (Appendix 45) and has heard some of the violence involved in some of the **Respondent's rapes of the Petitioner.** (Appendix 61), Rape Addition to: Supplemental Petition for Emergency Motion for Child Pick-Up under Florida Statute **(FS)787.03(4)(a) & (c)**...)

The Petitioner and the Minor Petitioner are entitled to **"Equal Protection"** of these laws. The March 11, 2002 change of custody is **not uniform** with the **Florida Statutes 744.312, 744.309, and 61.(2)(b)2.**

Although there are hearsay opinions, there is **nothing** in the record that the Minor Petitioner ever considered the Respondent to be anything other then her **step-parent.**

On July 24, 1994, when the Minor Petitioner was three years old, the Petitioner married the Respondent. The Respondent **never adopted nor supported** the Minor Petitioner.

On July 19, 1999, the Respondent threatened to "blow the fucking brains out" of the Petitioner, in the presence of the Minor Petitioner, (Appendix 45 and 63) with **no contest** plea in Collier Criminal Court October 12, 1999. (Appendix 64)

On December 7, 1999, the Respondent made an **unfounded claim of paternity** for the Minor Petitioner.

On March 22, 2000, the Petitioner **denied** the Respondent's **unfounded claim of paternity** in her "Answer to Dissolution of Marriage" (Appendix 13)

On May 10, 2000 Petitioner filed "Motion to compel John Ford, (Respondent) to submit to (paternity) blood test", **again denying** that Respondent was Minor Petitioner's father. (Appendix 15)

On June 12, 2000 the **Respondent refused to take scientific paternity blood test.** (Appendix 11)

On June 28, 2000, the Collier Circuit Court denied the Petitioner and Minor Petitioner "Equal Protection of the Law" and ruled that the Respondent did not have to take paternity test, and that the Petitioner must prove that her husband, Ajit Bally, is Minor Petitioner's father. (Appendix 11) June 28, 2000 Collier Circuit Court Order denied the Petitioner and Minor Petitioner **"Equal Protection"** of FS 742.12 and was **not uniform** with **Wolfe v. Wolfe** App.1 Dist.,324 So.2d133(1991)," (Appendix 42) requiring scientific paternity test in disputes of paternity, and **Ford v. Loefler** App.3Dist.,363 So.2d23(1978), (Appendix 41) "the right to sue for paternity lay with the mother, and Plaintiff, was without the right to have himself declared the father of a child the mother denied was his and thus since Plaintiff could not establish paternity, he was not entitled to visitation rights."

On March 1, 2001 the Collier Circuit Court Ordered the Respondent to pay **temporary** child support on the Minor Petitioner, in spite of the Petitioner's objection, **seizing** improper jurisdiction over Minor Petitioner stating; "D. It is in the best interest of the minor children that Petitioner/Husband, pay **temporary** child support for both Erin and Spencyr at this time notwithstanding Respondent/Wife's **issue of paternity relative to Spencyr** which will be adjudicated at a later time." This is **not uniform** with **Paxton v. Paxton** so either Respondent has no inherent rights to the Minor Petitioner, or stepmother Linda Paxton does in fact have inherent rights to Dustin Paxton despite Affirmed Order.

On **May 15, 2001**, during a contempt hearing, the Collier Court stated: "I can take the children, **or at least the one child that's clearly his biological daughter,** (Erin Ford), and put that child with him." (Appendix 12)

On July 30, 2001, the Petitioner finally acquired certified copies of the Ajit Bally marriage and divorce and submitted them to Collier Circuit Court to terminate the **improper jurisdiction** over the Minor Petitioner (Appendix 16 and 17)

With the Petitioner and the Minor Petitioner living in Orange County, Florida, when the subject case was filed, and British Citizen, Ajit Bally, not a party of the Case, the Collier Circuit Court had no Jurisdiction to terminate Ajit Bally's parental rights.

On February 13, 2002, with total disregard of the cited **Florida Statutes, Florida Rules of Procedure, and Case Laws,** the Collier Circuit Court judge **invented paternity** for the Respondent, (Appendix 1) during an appeal, and without ever terminating Ajit Bally's parental rights, for which it was without jurisdiction. This was a blatant, intentional, disregard of **"Equal Protection of the Law"**, by the Collier Circuit Court Judge for the Petitioner's, the Minor Petitioner's, and her father, Ajit Bally's parental rights..

On February 23, 2002, during court ordered visitation, while the Minor Petitioner was looking through the Respondent's spiral notebook marked E-bay, a page fell out that stated "Paid-Off Judges; Cindy Ellis," and "I won." Frightened, the Minor Petitioner put the page back, (Appendix 68) then told the Petitioner, when the Minor Petitioner returned from that court ordered visitation.

On March 11, 2002, the Collier Court gave the Respondent residential custody of the Minor Petitioner. (Appendix 2,3)(during appeal)

Some time in December, 2002, the Florida Supreme Court, the Second District Court of Appeals, or the Collier Circuit Court **removed Judge Ellis** from the case because of the "pay-off possibility."

The Florida Department of Law Enforcement, The Judicial Qualification Commission, and Governor Jeb Bush all have refused to conduct any investigation to determine if that "pay-off" occurred.

On December 16, 2002, Collier Circuit Court Judge Daniel R. Monaco conducted an **"Emergency Evidentiary Hearing"**, for the safety of the Minor Petitioner, under Order from the Florida Supreme Court or the Second District Court of Appeal, because the **Minor Petitioner threatened to hang herself if she had to continue to live with the Respondent.**

On August 21, 2003, the Petitioner filed a Supplemental Petition to strike the February 13, 2002, Paternity ruling and March 11, 2002, Order and terminate all jurisdiction over English citizen Spencyr Kalberer-ford. The Honorable Judge Monaco has not yet ruled on the motion.

On August 5, 2003, the Petitioner filed a notice of Protection under **FS 787.03(4)(a) and (c).**

On August 12, 2003 Collier Court Judge Murphy violated **FS 787.03** (child protection statute) with "Order for Minor Child Pick-up," without the Judge Monaco custody hearing required by **FS 787.03(6)(b)2.**

On August 23, 2003, the Petitioner filed a Supplemental Petition for Emergency Motion for Child Pick-up under Florida Statute 787.03(4)(a) and (c) law filed August 5th in Collier Circuit Court.

On September 12, 2003, Judge Monaco denied Motion stating he was without jurisdiction because of August 15, 2003, Second DCA appeal. (Appendix 7) This is another example of denial of "Equal Protection of the Law," as both of the Judge Ellis Orders in this

appeal were during Appeal, where per Judge Monaco, Judge Ellis was without jurisdiction due to appeal.

On September 2, 2003, the Petitioner filed **"Rape"** Addition to: Supplemental Petition for Emergency Motion for Child Pick-up under Florida Statute 787.03(4)(a) and (c) law filed August 5th in Collier Circuit Court. (Appendix 61-62)

On September 12, 2003 the Appellant filed the Third Supplemental Petition for Change or Modification of Custody for **Contempt** of Collier Court Visitation Orders, and Intentional Psychological Abuse of Respondent and her 12-year old daughter. (Appendix 53 to 54)

As of the filing of this Supreme Court Appeal, the Honorable Judge Monaco **has not ruled on any** of the Petitioner's Supplemental Petitions, and has not returned Minor Petitioner to the Petitioner.

On June 24, 2003, the Second District Court of Appeal denied the Petitioner's request for Reconsideration for Case 2D02-1205. (Appendix 4)

On July 30, 2003, the United States District Court, Middle District of Florida, Orlando Division (Holcomb v, Ford, case 6:03-cv-1023-Orl-18DAB) ruled, **"the United States District Court has no Authority to review final judgments of a state court in judicial proceedings. Review of such judgments may be had only in the United States Supreme Court."** District of Columbia Ct. of App. V. Feldman, 460 U.S. 462,482 (1983), Rooker v. Fidelity Trust., 263 U.S. 413,415-416 (1962). (Appendix 9-10)

On August 15, 2003, the Florida Supreme Court denied that it has jurisdiction for discretionary judicial review, per Jenkins v. State 385 So.2d 1356 (Fla.1980) and 1980 Florida Constitutional change in Article 5, Section 3. (Appendix 5) **(for subsidiary review)**

As a Subsidiary question for Certiorari, the Petitioner requests this Honorable Supreme Court rule that the 1980 Constitutional Article 5, Section 3 change and Jenkins v. State form an **unconstitutional denial of discretionary Judicial Review by the Florida Supreme Court**, and possibly send this case back to the Florida Supreme Court for review of the District Court Affirmed Order. The Petitioner estimates that the Florida Appeals Courts Affirm over 3000 cases per year with no Judicial Review possible. **28 U.S.C. 2403 may apply.**

To make this argument, I am going to quote the Honorable Florida Supreme Court Justice J. Adkins in his dissenting opinion in Jenkins v. State:

> "I descent. We are embarking on a course which **limits our jurisdiction** to matters concerning deep questions of law, while the great bulk of litigants are allowed to founder on rocks of uncertainty and trial judges steer their course over a chaotic reef as they attempt to apply "Per Curiam Affirmed" decisions. When the constitutional amendment is considered in light of historical development of decisional law, we find regression instead of progression. The majority admits that **many will not obtain justice,** (as claimed by Petitioner and Minor Petitioner in this case, Holcomb v Ford), for our **jurisdiction will be limited** to resolving questions of importance to the public as distinguished from that of the parties." (**Minor Petitioner's best interest and safety rights** in this case, Holcomb v. Ford.)

If I understand Justice Adkins opinion he then quoted Justice Drew from Ansin v. Thurston 101 So.2d 808, 811 (Fla.1958), paraphrased:

Certiorari should be allowed in "cases where there is real and embarrassing conflict of opinion and authority" between decisions. (Like this case, Holcomb v. Ford.)

Then quoting Justice Drew from Foley v.Weaver Drugs, Inc., 177 So.2d 221(Fla 1965):

"There has been no dispute that under the constitutional plan for the administration of justice at the appellate level in this state the responsibility was placed in this court, (Fl. Supreme Court), to keep law harmonious and uniform. ... **We must assume, in the absence of something in the record to indicate a contrary view, that the affirmance of a decision of a trial court by a decision of the District Court of Appeal makes the trial court decision the decision of the District Court.** ... I think it would result in utter chaos in the judicial system of this state with three separate District Courts, (more now), if it were impossible for this Court to maintain consistency and uniformity of the law in such cases. **(The Second District Court of Appeal did not maintain uniformity with it's own case, Sanders v. Yancey in Holcomb v. Ford.)** A different rule of law could prevail in every appellate district without the possibility of correction."

Justice Adkins, (last page of dissenting opinion), "The effect of the 1980 amendment is to give us jurisdiction for review of a decision that expressly and directly conflicts with a decision of another district court of appeal. ... Under the construction of the present constitutional amendment, the law will remain

unsettled, (referring to inconsistent and not uniform decisions.)

The Petitioner believes Justice Adkins is stating what was voted on in the 1980 amendment is different from the Legislative construction and Jenkins v. State. This is beyond the knowledge of the Petitioner. The Petitioner believes the Collier Circuit Court and the Second DCA Affirmed Order is **not uniform** with the many cited laws, case laws, and Rules of Procedure and should be allowed judicial review on the Florida Supreme Court.

Therefore, the Petitioner, Minor Petitioner, and British father Ajit Bally have been denied "Equal Protection of the laws" and the Honorable Florida Supreme Court or this Honorable United States Supreme Court should consider the rights, especially of the Minor Petitioner, as important as the Bush/Gore election, R.J. Anderson's in **Sanders v. Yancey**, Janis Ford's in **Ford v. Loefler**, Robert Wolfe's in **Wolfe v. Wolfe**, and all other United States citizens.

The Minor Petitioner as a United States citizen with the birth right of Dual Citizenship, (with British father, Ajit Bally), is probably entitled to some Equal Protection under **British Laws, International Laws,** and **Treaties** as well.

The Florida Supreme Court should have **discretionary** right of review of all affirmed cases, and the 1980 Constitutional revision and Jenkins v. State form an unconstitutional block to "Equal Protection under the 14th Amendment of the United States Constitution."

If the Affirmed Order makes the Circuit Court Orders the Appeals Court Order, as stated by Justice Drew in Foley, then the Second District Court of Appeals denies the Ajit Bally/Petitioner marriage and the Minor Petitioner's father for her first 10 years of her

life, who was replaced without terminating the parental rights of the Minor Petitioner's father, Ajit Bally.

If the Affirmed Order makes the Circuit Court Order the Second District Court of Appeals Order, the new case law in Florida is:

1. "Ex-stepparents are entitled to visitation and residential custody without proof of paternity, or egregious act by the child's mother if the mother denies ex-stepparent's unfounded claim of paternity."
2. "Courts can ignore the Florida Rules of Procedure for Change of Custody and Termination of Parental Rights."
3. "The birth father can be replaced without termination of his parental rights."
4. "The best interest of child can be with unrelated, ex-stepparent, abusive/batterer, convicted felon, over married two parent home."

CONCLUSION

The Petitioner and Minor Petitioner respectfully request that this Honorable Supreme Court grant a Writ of Certiorari requiring "Equal Protection" of the cited Florida Laws, Rules of Procedure, and Case Laws by:

1. Striking and voiding the Collier Circuit Court February 13, 2002, Respondent paternity ruling.
2. Striking, voiding, and enjoining the Collier Circuit Court from enforcing the March 11, 2002, Change of Custody Order.
3. Returning residential custody of the Minor Petitioner to the Petitioner.
4. Ending the improper Collier Circuit Court jurisdiction over the Minor Petitioner.
5. Or give the Honorable Florida Supreme Court the right of discretionary judicial review of Affirmed District Court Orders and send this case to the Florida Supreme Court.

Parties to the Proceeding

Karen Holcomb, Petitioner (Pro-Se)
Spencyr Holcomb (Minor Petitioner)
Aka Spencyr Paulina Kalberer-ford
(US and English dual citizenship by birth)
19950 CR 455, Clermont, Fl. 34711 (407) 469-2510
(Prior to removal by Appealed Order)
2358 River Reach Dr. Naples, FL 34104
(while with Respondent)

Ajit Mark Bally (Minor Appellant's Father)
Address unknown

John Ford, (Respondent)
2358 River Reach Dr. Naples, Fl 34104
No telephone

Thomas Franchino "Respondent Attorney of Record"
1250 N. Tamiami Trail, Suite 106, Naples, Fl. 34102
(239)-263-8357

Subsidiary question under 28 U.S.C.-2403(b)
Attorney General of Florida Charley Crist, (Respondent)
Office of Attorney General
The Capitol PL-01, Tallahassee, FL 32399-1050
(850) 414-3990

U.K. British Ambassador
U.K. British Embassy (Minor Appellant British Rights)
3100 Massachusetts Ave.
Washington, DC, 20008

Collier County Clerk of Courts
Civil Court System

Court Calendar, Collier Court, State of Florida
The Honorable Cynthia A Ellis Presiding
Wednesday, February 13, 2002

Motion Hearing

Case # 99-3967-CA 01:00PM
Dissolution of Marriage

Plaintiff(s)
Ford, John
Franchino, ThomasW – PA

Defendant(s)
Ford, Karen

Notes: Motion
Continuation of Pending Motions

Minutes : Minutes – Hearing
Attorney Franchino and Petitioner Present / Respondent Present / Randy Crawford Discharged / visitation to remain same as in agreement / Court Rules Petitioner is Legal father of Spencyr / Father to begin every other weekend visitation 2/22/02 and every other weekend thereafter / Attorney Franchino to prepare proposed Order / Court Reporter Rose Witt W/Gregory

Filed in Open Court
Date 2-13-02
Dwight E. Brock, Clerk
By: CL D.C.

Appendix 1

In the Circuit Court of the Twentieth Judicial Circuit in and for Collier County, Florida **Civil Action**

John Ford,
Petitioner,
v. Case No. 99-3967-CA-01
Karen Ford,
Respondent,

It is therefore ORDERED, ADJUDGED, and DECREED that:

A. The Former Wife's Motion to Reconsider various matters dated May 1, 2001, the Motion for Summary Judgment dated July 30, 2001, are all denied in their entireties.

B. That the Former Husband's Second Amended Motion for Contempt, Sanctions, Modification of Custody and further relief is granted.

C. The Former Husband John Ford is designated the primary residential custodial parent of the minor children Erin Ford and Spencyr Paulina Kalberer-ford, provided that the minor children shall reside at their current residence, with the Former Wife, until 72 hour subsequent to the last day of the current school year in May 2002. Upon the expiration of this 72 (Page 12 of 14) hour period, the minor children along with their clothing and personal belongings shall be delivered by the Former Wife to the residence of the Former Husband in Collier County, Florida.

D. Until such time as the minor children are delivered to the Former Husband as specified above the Former Husband shall be entitled to reasonable visitation pursuant to the visitation schedule set forth by this caurt in its Order February 28, 2001.

E. Subsequent to the delivery of the minor children to the Former Husband as specified in paragraph C above, the Former Wife shall have liberal reasonable visitation and

contact with the minor children. In the event the parties are unable to agree to such liberal reasonable visitation, then the Former Wife shall have visitation every other weekend with the two minor daughters. The parties will meet at the Brandon exit off I-75 at the Food Court of the Brandon Mall at 7:30 p.m. on Fridays. The parties will then exchange the children at the same location on Sundays at 5:00 p.m.

F. The Former Husband shall receive and the Former Wife shall pay child Support for the two minor children in the amount of $695.97 per month commencing on June 1, 2002 and continuing then on the first day each month thereafter. All child support shall be paid by the Former Wife to the Clerk of Courts, Collier County, Florida, along with $5.25 per month as and for the Clerk's fee. (See attached Child Support Worksheet and Order for Temporary Child Support and Attorney's Fees marked Composite exhibit B).

G. The Former Husband shall recover from the Former Wife his expenses of $362.50, as well as his costs and reasonable attorney's fees in obtaining this order. The court shall determine the amount of allowable costs and attorney fees, including those attorney's fees previously awarded in the Order of July 18, 2001, at a subsequent hearing. Page 13 of 14

H. The Former Wife shall refrain from initiating, participating in or prosecuting any proceedings in **any court** which would interfere with or modify this court's jurisdiction over the parties' custody and visitation matters, or interfere with or attempt to alter the custody and visitation as set forth in this Order. All Proceedings concerning custody or visitation shall be filed in this proceeding and determined by this court.

. I. The court reserves jurisdiction to enforce this order.

Done and Ordered in Collier County, Fl. March 11, 2002.

Cynthia Ellis Circuit Court Judge

Copies to Thomas Franchino, Esq., Karen Holcomb

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA SECOND DISTRICT, POST OFFICE BOX 327, LAKELAND, FL. 33802-0327

June 24, 2003

CASE NO.: 2DO2-1205
L.T. No.: 99-3967 CA 01

Karen Kae Kalberer Holcomb F/k/a Karen Ford v. John Ford

Appellant / Petitioner(s), Appellee / Respondent(s)

BY ORDER OF THE COURT:

Appellant's motion for reconsideration is denied.

I HEREBY CERTIFY that the foregoing is a true copy of the original court order.

Served:
Karen Kae Kalberer Holcomb
Thomas W. Franchino, Esq.
John Ford
Gary Shader, Esq.

pm

James Birkhold
Clerk

Appendix 4

Supreme Court of Florida

Friday, August 15, 2003

CASE NO.: SC03-1395
Lower Tribunal No. 2D02-1205

KAREN KAE KALBERER HOLCOMB fka Karen Ford vs. JOHN FORD

Petitioner(s) Respondent(s)

Having considered the notice of appeal filed in this Court as a petition filed under any or all of the jurisdictional bases described in Article V, Section 3(b)(3) and 3(b)(7)-(9), Florida Constitution, it appears that the Court is without jurisdiction. Accordingly, the petition is hereby dismissed. See Grate v. State, 750 So. 2d 625 (Fla. 1999); Jenkins v. State, 385 So. 2d1356 (Fla. 1980).

No Motion for Rehearing will be entertained by the Court.

A True Copy
Test:

Thomas D. Hall
Clerk, Supreme Court

oh
Served:
Karen Kae Kalberer Holcomb
Thomas William Franchino
Hon. James Birkhold, Clerk
Hon. Cynthia Ellis, Judge
Hon. Dwight E. Brock, Clerk

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

KAREN KAE KALBERER HOLCOMB
f/k/a KAREN FORD
Appellant,

v. Case No. 2D02-1205

JOHN FORD
Appellee,

Opinion filed May 30, 2003.

Appeal from the Circuit Court for Collier County; Cynthia A. Ellis, Judge.

Gary Shader of Law Offices of Gary Shader, Maitland, for Appellant.

Thomas W. Franchino, Naples, for Appellee.

PER CURIAM.

Affirmed.

FULMER, SCLCINES, and VILLANTI, JJ., Concur.

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR COLLIER COUNTY, FLORIDA CIVIL ACTION

IN RE:
JOHN FORD,
Petitioner,
and CASE NO. 99-3967-CA
KAREN K. K. HOLCOMB,
Respondent.

Order regarding child pick-up order filed by Respondent

THIS CAUSE came before the Court on Respondent's Supplemental Petition for Emergency Motion for Child Pick-Up and Order to Pick-Up Minor Child and the Court having reviewed the pleadings filed herein, it is hereby

ORDERED AND ADJUDGED that:

1. A Notice of Appeal has been filed with the Second District Court of Appeal on August 15, 2003.
2. This Court no longer has jurisdiction over this matter.

DONE AND ORDERED in Chambers, Naples, Collier County, Florida this ___ day of _____, 2003.

_____.
DANIEL R. MONACO
Circuit Judge

(Stamp)
The Original of this document was signed Sep.12, 2003, by Daniel R. Monaco Circuit Judge

Copies To:
Thomas Franchino, Esq., Attorney for Petitioner
Karen Holcomb, Respondent / Pro Se

County of Collier
Clerk of the Circuit Court
Collier County Courthouse
3301 Tamiami Trail East
PO Box 413044
Naples, Florida 34101-3044

Dwight E. Brock Clerk
May 18, 2001

Honorable James Birkhold
Clerk District Court of Appeal
Second District
Post Office Box 327
1005 East Memorial Boulevard
Lakeland, Florida 33802

RE: KAREN HOLCOMB v. JOHN FORD
CASE NO. 99-3967-CA

Dear Mr. Birkhold,

Enclosed herewith is a Certified Copy of a Notice of Appeal on the above style cause, filed as is and not with filing fees.

Sincerely,

Barbara ?_____
Appeal Clerk (941) 732-2707

Encls.
Xxc: file with / Docket Print-Out
Karen K. Holcomb, 4606 Sloewood Ct. Mt. Dora, Fl. 32757
Janice Clement, 5425 Park Central Ct., Naples, Fl. 34109

United States District Court
Middle District of Florida
Orlando Division

KAREN HOLCOMB,
Plaintiff,
-vs- Case No. 6:03-cv-1023-Orl-18DAB
JOHN FORD,
Defendant,

REPORT AND RECOMMENDATION

TO THE UNITED STATES DISTRICT COURT

Page 2 --- line 1, Plaintiff filed her Complaint styled as a "Notice of Appeal," purportedly to challenge the "unconstitutional denial of judicial review" under the Fourteenth Amendment. Doc. No. 1 at 1. Plaintiff contends that she is challenging the affirmance of the Florida appellate court, which she argues denied her any appeal to the Florida Supreme Court. ---

Page 2 --- line 12, Plaintiff also seeks a ruling that the true biological father of the child is really "English Citizen Ajit Bally" and seeks a stay of the Florida Circuit Court Order terminating the parental rights of Bally. ---

Page 2 --- line 17, Federal courts generally cannot review state court proceedings that terminate or modify parental rights since the federal courts are not a forum for appealing state court decisions. *Hays v. Hays,* 789 F.Supp. 378, 379-380 (M.D. Fla.1992)(citing *Staley v. Ledbetter,* 837 F.2d 1016, 1017-1018 (11th Cir. 1988) (district court lacked jurisdiction to hear a constitutional claim which essentially sought to reverse a state court's custody determination)).

The United States District Court "has no authority to review final judgments of a state court in judicial proceedings. Review of such judgments may be had only in [the United States Supreme Court}." *District of Columbia Ct. of App.v. Feldman,* 462, 482 (1983); *Rooker v. Fidelity Trust Co.,* 263 U.S. 413, 415-416 (1923).---

Page 3 --- line 17, The Court is without jurisdiction over Plaintiff's claims. It is **RECOMMENDED** that Plaintiff's application be denied and that the action be **DISMISSED for lack of jurisdiction.**

Page 4 --- line 4, Recommended in Orlando, Florida this 30th day of July, 2003.

_____

David A. Baker
United States Magistrate Judge

Copies furnished to:
Honorable G. Kendall Sharp
Unrepresented Parties
Courtroom Deputy

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR COLLIER COUNTY, FLORIDA CIVIL ACTION

JOHN FORD,
Petitioner,
vs. CASE NO. 99-3967-CA
Judge, Ron Napier,
KAREN K. K. HOLCOMB, General Master
Respondent.

Report of General Master / Hearing Officer

Issues: Motion for Court to Order Paternity testing to Establish paternity of minor child.

Finding of Facts:

1. that no paternity testing shall be ordered.
2. that the minor child has perceived the Petitioner as her father for her eight years of life. (hearsay)
3. that the paternity test shall be requested from the alleged natural father.

Recommended Order: the Motion for paternity testing is hereby denied.

Dated this 12th day of June, 2000. _____.

Ronald L. Napier, General Master/Hearing Officer

Order on Recommended Order

The Court adopts every finding and recommendation contained herein as this Court's Order and the parties hereto are ordered to abide by all the findings and recommendations contained in the Recommended Order.

Done and Ordered in Chambers at Naples, Collier County, Florida this 28th day of June, 2000.

Cynthia Ellis
Circuit Court Judge

Conformed copies to:
Janice Clement, Esq. Aldo Icardi, Esq.

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR COLLIER COUNTY, FLORIDA CIVIL ACTION

IN RE:
JOHN FORD,
Petitioner,
and CASE NO. 99-3967-CA
KAREN K. K. HOLCOMB,
Respondent.

TRANSCRIPT OF JUDGE'S RULING

Before the Honorable Cynthia Ellis, Circuit Court Judge of said Court, 20th Judicial Circuit in and for Collier County, Florida, at a hearing in the above-styled cause, on May 15, 2001, commencing at 2:44 p.m., held at the Collier County Courthouse, 3301 East Tamiami Trail, Naples, Florida, before Heather L. Casassa, RPR, Notary Public, State of Florida at Largo.

APPEARANCES:
For the Petitioner: Janice Clement, Esquire
5425 Park Central Court
Naples, Florida, 34109

For the Respondent: Pro Se

Page 9, line 3 to 5, THE COURT: "--- the Court can , in fact, change custody. I can take the children, or at least the **one child that's clearly his biological daughter"** (ERIN FORD) "and put that child with him."

Page 9 line 19 to 21, THE COURT: "No sir. I'm finished with my ruling. And I'm **not** going to make a willful finding of contempt at this point."

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR COLLIER COUNTY, FLORIDA CIVIL ACTION

JOHN FORD,
Petitioner,
and CASE NO. 99-3967-CA
KAREN FORD,
Respondent.

Answer to Petition for Dissolution of Marriage

Comes Now, Karen Ford, Respondent/Wife, by and through her undersigned attorney and files this Answer to the Petition for Dissolution of Marriage and Says:

1. Admitted
2. Admitted
3. Admitted
4. Admits to Paragraph a) and b); **denies Paragraph c)** and says **only two (2) children, Corinth and Erin are subject to this proceeding.**
5. Admits joint parental responsibility for two children , Corinth and Erin and admits residential care and responsibility to Petitioner for Corinth but denies that responsibility for Erin which should be awarded to Respondent.
6. Denies Petitioner has insufficient income and assets to provide for the needs of the minor children.

(7 through 14 omitted)

Affirmative Defenses

1. **Petitioner is not the natural father** of Spencyr Paulina Ford. (Pages 2 through 7 omitted)

I Hereby Certify that a true and correct copy of the forgoing has been furnished by U.S. Mail this 22nd day of March, 2000, to Janice Clemens, ESQ. 5425 Park Central Ct. Naples, Fl. 34109. Aldo Icardi, Esq. PO Box 1656 Maitland, Fl. 23794

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR COLLIER COUNTY, FLORIDA CIVIL ACTION

JOHN FORD,
Petitioner,
and CASE NO. 99-3967-CA
KAREN FORD,
Respondent.

Motion for Temporary Child Support and Attorney Fees.

Comes Now, Respondent/Counter-Petitioner, Karen Ford, by and through her undersigned attorney and moves this Court to award Respondent temporary child support and attorney fees and says,

1. Petitioner has failed to support any of the children from July 1999 to October 1999.
2. In October 1999, Petitioner gained parental custody of the oldest child, Cory, ---.
3. From October 1999, Respondent has retained parental custody of the minor child Erin ---.
4. Petitioner improperly appropriated to his own use and possession in July 1999 the sum of $29,000, the sole property of the Respondent, derived from inheritance ---.

(5 and 7 omitted)

6. **Respondent does not seek child support for her minor child, Spencyr Paulina Kalberer-ford because she is not Petitioner's child and Petitioner has never sought to support or adopt her.**

I Hereby Certify that a true and correct copy of the forgoing has been furnished by U.S. Mail this 10th day of May, 2000, to Janice Clemens, ESQ. 5425 Park Central Ct. Naples, Fl. 34109.

Aldo Icardi, Esq. PO Box 1656
Maitland, Fl. 23794
(407) 647-1859

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR COLLIER COUNTY, FLORIDA CIVIL ACTION

JOHN FORD,
Petitioner,
and CASE NO. 99-3967-CA
KAREN FORD,
Respondent.

Motion to Compel Petitioner, John Ford, to Submit to Blood tests

Comes Now, Respondent/Counter-Petitioner, Karen Ford, by and through her undersigned attorney and moves this Court to compel Petitioner, John Ford, to submit pursuant to Fla. Statutes 742.12 to Human Leukocyte Antigen tests to determine his paternity as to the minor child, Spencyr Paulina Kalberer-ford and says:

1. Counter-Petitioner has alleged at Count II – Paternity, that Petitioner, John Ford is not the natural father of the minor child, Spencyr Paulina Kalberer-ford.
2. Petitioner in his answer to said allegation has denied that allegation.
3. Counter-Petitioner has requested counsel for Petitioner to voluntarily submit to the tests indicated in Fla. Statutes 742.12 but Petitioner fails to consent.

WHEREFORE, this Court is requested to enter an Order requiring Petitioner to undergo said tests forthwith.

I Hereby Certify that a true and correct copy of the forgoing has been furnished by U.S. Mail this 10th day of May, 2000, to Janice Clemens, ESQ. 5425 Park Central Ct. Naples, Fl. 34109.

Aldo Icardi, Esq. PO Box 1656
Maitland, Fl. 23794
(407) 647-1859

State of Florida
Office of Vital Statistics
Certified Copy
Marriage Record Florida

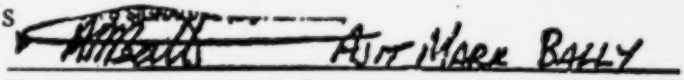
89-5052 89 123489

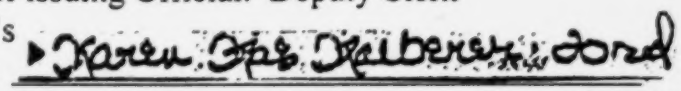
1. Groom's Name (First , M., Last) 2. Date of Birth
Ajit Mark Bally January 09, 1966

3a. Residence	3b. County	3c. State	4. Birthplace
2520 NW 13 St. #201,	Miami Dade,	Fla.	England

5a. Bride's Name (First, M., Last) 6. Date of Birth
Karen Kae Kalberer-ford September 22, 1952

7a. Residence	7b. County	7c. State	8. Birthplace
2520 NW 13 St. #201,	Miami Dade,	Fla.	California

9. Groom's Signature 

10. Subscribed and Sworn to before me on: Nov. 17, 1989.
11. Title of issuing Official: Deputy Clerk
13. Bride's Signature 
14. Subscribed and Sworn to before me on: Nov. 17, 1989.
15. Title of issuing Official: Deputy Clerk

License to Marry

17. Date license issued: Nov. 17, 1989
19a. Person issuing license: Richard P. Brinker, Clerk

Certificate of Marriage

21. I Hereby Certify that the above named bride and grom were joined by me in Marriage in accordance with the laws of the State of Florida on November 23, 1989 in Miami, Fl.
22a. Signature of person performing ceremony _____.
22b. Name of person performing ceremony, Dennis L. Tarr
22c. Title: Minister, First Presbyterian Church
22d. Address: 609 Brickell Ave. Miami
30. Groom's last marriage ended by: N/A
34. Bride's last marriage ended by: Divorce, NC. 5-17-89

July 02, 2001 C.M Gregg, State Registrar
Certification of Vital Record **Fl. Dept. of Health**

Republic of Trinidad and Tobaco

In the High Court of Justice

Sub-Registry – San Fernando

No.: M- 317 of 1992

Between

AJIT MARK BALLY Petitioner

and

KAREN KAE BALLY Respondent

Referring to the decree made in this cause on the 15th day of April 1993, whereby it was decreed that the marriage solemnised on the 23rd day of November, 1989 at the First Presbyterian Church, of Miami in Florida in the United States of America

between AJIT MARK BALLY ------- the Petitioner

and KAREN KAE BALLY ------the Respondent,

be dissolved unless sufficient cause be shown to the Court within six (6) weeks from the making thereof why such decree should not be made absolute and no such cause having been shown, it is hereby certified that the said decree was on the 16th day of June, 1993, made final and absolute and that said marriage was thereby dissolved.

Dated this 16th day of June, 1993

Christine C. Kergal
Assistant Registrar
San Fernando

Appendix 17

State of North Carolina
Certification of Vital Record

Mecklenburg County
Register of Deeds – Health Department
Charlotte, North Carolina

CERTIFICATE OF BIRTH

Name of Child:	Spencyr Paulina Kalberer-ford
Date of Birth	July 07, 1991
Place of Birth	Charlotte City Limits Mecklenburg County NC
Sex	Female

Parentage

Name of Father: xxxxxxxxxx xxxxxxxxxx
Father's Age at the Time of this Birth:
Father's Place of Birth: xxxxxxxxx

Name of Mother (Maiden): Karen Kae Kalberer
Mother's Age at the Time of this Birth: 38
Mother's Place of Birth: California

Date Filed: July 09, 1991 Registration District #060-95
Certificate # 5500
This is to Certify that this is a True and Correct Abstract of the Official Record filed in Mecklenburg County.
Witness my hand and official seal, this 27th day of July, 2001

Peter E. Safir
Health Director and Registrar

Judith A. Gibson
Register of Deeds

169272

By: Janice W. Walker
Assistant / Deputy Register of Deeds

Case No. 2D02-1205

An Appeal from the Circuit Court of Collier County Florida.

IN THE

DISTRICT COURT OF APPEAL OF FLORIDA

SECOND DISTRICT

Karen Kae Kalberer Holcomb. f/k/a, Karen Ford

Appellant,

vs.

John Ford

Appellee,

INITIAL BRIEF OF APPELLANT

Law Offices of Gary Shader

1750 North Maitland Avenue

Maitland, Florida 32751

(407) 831-0000 (407) 260-0030 Fax

Florida Bar No. 158340

Counsel for Appellant

(Page 2)

SUMMARY OF THE ARGUMENT

The trial court removed custody as a result of contempt, sanctions, modification of custody and further Relief. Where the Amended Notice of Hearing was dated February 5, 2002, at 1:00 p.m., **61.131, Fla. Stat.** The mother was not represented by counsel. The father (ex-stepparent) was represented by counsel. No Supplemental Petition for Modification of Custody was filed, no Supplemental Petition for Modification of Custody was served upon the appellant, neither was a Uniform Child Jurisdiction Act Affidavit filed or served upon the appellant. Florida Family Law Rules of Procedure provides for at least thirty (30) day notice occurring prior to the trial and therefore, the trial court did not have the jurisdiction to modify custody based upon the issues presented to it, nor were the due process rights of the mother guaranteed under the Florida Family Law Rules of Procedure accorded to the mother.

SECOND DISTRICT COURT OF APPEAL
1005 E. Memorial Blvd.
Lakeland, Florida 33801-0327

Karen Kae Kalberer Holcomb
Appellant,

v.

Case Number 2D02-1205
L.T. case no. 99-3967-CA

John Ford
Appellee,

Supplement to the August 21, 2002 "Initial Brief of the Appellant" to add "dispute" of the Collier Court Order declaring paternity of Appellee and denying Ajit Bally the birth / natural father of the Appellant's daughter.

Please add this as a Supplement to "Initial Brief of Appellant", because it is the Appellant's appeal, affecting Appellant's daughter, and the child's legal father of birth Ajit Bally.

The record in this appeal shows that the Appellant was married to Ajit Mark Bally, November 23, 1989, and that the Appellant was divorced from Ajit Mark Bally June 16, 1993. A child was born of that marriage, July 7, 1991. (Record pages 51-58)

Florida Statute 744.301 and Florida Case Law Sanders v. Yancey 122So.2d 202 (Fla.2DCA 1960) allow for no father other than Ajit Bally. There is no Florida Statute and no Florida case law that allows Ajit Bally to be replaced as this child's father without adoption and termination of parental rights. No adoption and no termination of parental rights exist concerning the Ajit Bally's and the Appellant's daughter born July 7, 1991, in the Collier Court case or any other court.

The Collier Circuit Court and the Appellee refused a paternity test requested by the Appellant under Florida

Statute 742.12, June 28, 2000, that would prove that the Appellee is **not** the biological parent of the child born of the Appellant's marriage to English citizen, Ajit Bally. Per Florida Statute 744.301 and Florida Case Law in Sanders v. Yancey the Appellee **would not** be the father of the Appellant's child even if the Appellee could prove paternity, which **he has not.**

The Collier Court Order denying Ajit Bally as the birth father of the Appellant's daughter is **not uniform** with the previous Second District Court of Appeal Case Sanders v. Yancey, **"that the natural father of a child is the man that the mother is married to at conception and / or birth,"** (of which the Appellee is neither), and Florida Statute 744.301.

The Appellant, English citizen Ajit Bally, and their dual citizenship daughter born July 7, 1991, are entitled to the "Equal Protection of the Law" under the 14th Article of the United States Constitution and the Second Section of Article 1 of the Florida Constitution. The Appellant, Ajit Bally, and their daughter are entitled to the same rights as R. J. Anderson, his ex-wife Jeanette Sanders, and their unnamed child in Sanders v. Yancey.

Therefore the Appellant prays that this Honorable Appeals Court reverse and make void all Collier Circuit Court Orders concerning the Appellant's and Ajit Bally's daughter born of their marriage July 7, 1991, and return full residential parental custody of that child to the Appellant.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to the Appellee's Attorney Thomas Franchino at 1250 North Tamiami Trail, Suite 106, Naples, Fl. 34102, the Clerk of the 20th Circuit Court, and Judge Ellis at 3301 Tamiami Trail East, Naples, Fl. 34112, by U.S. Mail on November 18, 2002.

Karen Kae Kalberer Holcomb.

Karen Kae Kalberer Holcomb pka Karen Ford
P.O. Box 777, Oakland, Fl. 24760, (407)-469-2510

SECOND DISTRICT COURT OF APPEAL
1005 E. Memorial Blvd.
Lakeland, Florida, 33801-0327

Karen Holcomb
Appellant,
v. CASE NO. 2D02-1205
John Ford
Appellee,

Memorandum of Laws for Judge Ellis March 11, 2002 Change of Custody Order and response to Appelee's Answer Brief

Please consider the following memorandums of Law if you have not already considered while resolving this case.

Memorandum of Laws

Florida Statute 744.301 The mother and father jointly are natural guardians of their own children --- If the marriage between the parents is dissolved, the natural guardianship shall belong to the parent to whom the custody of the child is awarded.

Florida Statute 61.052(4) No judgment of dissolution of marriage renders the child of the marriage a child born out of wedlock.

Sanders v. Yancey 122So. 2D202 (Fla2dDCA 1960) The Polk County Circuit Court entered Summary Final Decree dismissing case with prejudice on the grounds that since the child was conceived during marriage, mother has no standing to establish that anyone other than her husband is the father. Second District Court of Appeal agreed. (Birth Certificate with Wayne Yancey as father was not valid, nor allowed, R. J. Anderson is father by marriage and law)

The Appellant was married to English citizen Ajit Bally November 23, 1989. The 11-year old daughter of this

marriage was born July 7, 1991. The Appellant / Ajit Bally marriage ended June 16, 1993, when child was almost 2-years old. (Record pages 51-58)

By Florida Statutes 744.301, 61.052(4), and Florida case law Sanders v. Yancey Ajit Bally is the natural / birth father of the Respondent's 11-year old daughter.

Nothing in the record shows any termination of the Ajit Bally parental rights. Nothing in the record overcomes the presumption of legitimacy of the minor child conceived and born during the Appellant / Ajit Bally marriage.

Wolfe v. Wolfe App. 1 Dist.,324 So.2d 133(1991) Husband petitioned to have Scientific paternity testing in dissolution case. The Circuit Court, Sarasota County, Becky A. Titus J., denied petition and appeal was taken. The Second District Court of Appeal, Lehan, Acting C.J., held that husband was entitled to have test conducted. Vacated and remanded.

Husband had sufficiently contested issue of parentage in his pleadings in marital dissolution case.

LEHAN, Acting Chief Judge. "In this dissolution of marriage case we reverse the trial court's refusal to grant the husband's request for scientific paternity testing for which the husband agreed to pay. Section 742.12(1), Florida Statutes(1989), provides that "in any proceeding to establish paternity in law or in equity, the court ... upon request of a party shall **require** the child, the mother, and the alleged father to submit to Human Leukocyte Antigen tests or other scientific tests that are generally acceptable within the scientific community to show a probability of paternity.""

"It would have been an abuse of discretion on the part of court not to order test as no proper basis appeared in the record for denial."

The Apellant denied paternity of the stepparent / Appellee in the Dissolution of Marriage Answer to Dissolution of Marriage, and promptly requested scientific paternity test. The Collier Circuit Court Judge denied the

paternity test from the stepparent / Appellee, (as was required by the Second District Court of Appeal in Wolfe v. Wolfe) and required the Appellant in # 3 of June 28, 2000 paternity order to prove that someone else was the stepchild's father. July 30, 2001, the Appellant provided Certified Marriage Certificate dated November 23, 1989, and divorce document dated June 16, 1993 proving that the Appellant was married to English citizen Ajit Bally during the disputed child's conception and July 7, 1991 birth. March 11, 2002, the Collier Circuit Court Judge concluded "as a matter of law that" the Appellant's July 30, 2001 Motion for Summary Judgment was "without legal merit." (March 11, 2002 Judge Ellis Order page 9)

Judge Ellis concluded / ruled that the child born of the Appellant / Ajit Bally marriage is child of ex-stepparent without paternity test.

In re Guardianship of Ettel App.1 Dist.,324 So. 2d 194(1975) Cases of guardianship of child must be in the county where the child resides.

The Respondent's 11-year old daughter was a resident of Orange and Lake Counties since December 2, 1999, and she attended classes at Zellwood Elementary in Orange County December 6, 1999 (Attachment _ of Appellee's Answer Brief), which proves Orange County residency. The Collier County case was filed December 7, 1999 and more importantly served December 8, 1999.

The Petitioner filed a **"no contest plea for domestic violence with aggression,"** October 12, 1999 in Collier County Criminal Court, that was not accepted by the Court. On July 19, 1999 the Petitioner threatened to blow the Respondent's fucking brains out. A "NO CONTACT ORDER" was in effect all of 1999 after domestic violence. (Attached) Friviolus according to Appellee and Judge Ellis March 11, 2002 Contempt Order.

On December 1, 1999 the Petitioner made another threat to kill and or kidnap the Respondent and the

Respondent's / Ajit Bally's daughter, during the "No Contact Order". The Respondent went into hiding in Orange County Florida for safety.

Ford v. Loeffler App.3 Dist., 363 So.2d23(1978) The Dade County Circuit Court entered Order denying Defendant's Motion to dismiss complaint for Declaratory Judgment in which Plaintiff alleged that he was father of Defendant's child and sought visitation rights, and Defendant appealed. The Third District Court of Appeal reversed, and held that the right to sue for determination of paternity lay with mother, and Plaintiff, was without the right to have himself declared the father of a child the mother denied was his and thus since Plaintiff could not establish paternity, he was not entitled to visitation rights.

The Respondent was married to Ajit Bally when the Appellant's 11-year old daughter was born. (Record page 51-58)

The Appellant denied that the ex-stepparent / Appellee was the father of the Appellee's / Ajit Bally daughter in her Answer to Petition for Dissolution of Marriage, in her Affirmative Defense, and in all other court documents.

The Appellee never proved paternity, adopted, nor supported the Appellant's / Ajit Bally child and is not entitled to visitation or custody.

Paxton v. Paxton Orange County Circuit Court case DR95-8452, Order of February 27, 2002 by the Honorable Senior Judge Charles N. Prather, b. "Linda Paxton is the wife of Gary A. Paxton and as such is a **Stepparent** of DUSTIN STEELE PAXTON. The parents may agree to responsibilities as **Stepparent,** but she as former husband's wife and **Stepparent** of DUSTIN **has no inherent rights in or to** DUSTIN.

The Petitioner married the Respondent when the Respondent's / Ajit Bally's child was over 3-years old.

The Petitioner was a Stepparent with "no inherent rights in or to the Respondent's / Ajit Bally's 11-year old daughter.

Florida Statute 856.04 Desertion; withholding support; proviso.
(1) Any man who shall in this state desert his wife and children, --- or who shall willfully withhold from them or either of them, means of support, --- shall be guilty of a felony of the third degree, ---.

On July 20, 1999 the Petitioner removed $29,000 from the Respondent's bank account, leaving the Respondent with three minor children, and no money until late September when she received her first paycheck from the Collier County Public Schools.

The Court never had second hearing to resolve Respondent's Counter-Petition for Dissolution of Marriage and Affirmative Defenses, for paternity of Appellant's 11-year old daughter. January 4, 2002 and February 13, 2002 were scheduled as Contempt hearing. No time was given for Appellant's July 30, 2001 or November 5, 2001 motions

Respectfully Submitted,

I Hereby Certify that a true and correct copy of the foregoing has been furnished to the Petitioner's Attorney Thomas Franchino at 1250 North Tamiami Trail, Suite 106, Naples, Fl. 34102, by U.S. Mail on February 19, 2003.

Karen Kae Kalberer Holcomb

Karen Kae Kalberer Holcomb pka Karen Ford
PO Box 777, Oakland, Fl. 34760
(407)-469-2510

Gary Shader
1750 North Maitland Ave.
Maitland, Fl. 32751 (407)-831-0000

SECOND DISTRICT COURT OF APPEAL
1005 E. Memorial Blvd.
Lakeland, Florida 33801-0327

Karen Holcomb
Appellant / Respondent pro-se
v. Case no._____.
L.T. no: 99-3967-CA-01
John Ford
Appellee / Petitioner

NOTICE OF APPEAL of Judge Ellis Order dated March 11, 2002, case no. 99-3967-CA-01

Brief statement of appeal. (Several issues.)

I believe that section H on page 14 of the subject Judge Ellis Order states that I am I not allowed to file this appeal. Is that constitutional?

"H. The Former Wife shall refrain from initiating, participating in or prosecuting any proceedings in ANY COURT which would interfere with of modify this court's jurisdiction over the parties' custody and visitation matters, or interfere with or attempt to alter the custody and visitations as set forth in this Order. All proceedings concerning custody or visitation shall be filed in this proceeding and determined by this court."

Can Judge Ellis have me arrested for filing this appeal? This section **is not** the main reason for the appeal.

Maybe because her **jurisdiction** has been appealed, or maybe because my 10-year old daughter, Spencyr, saw a John Ford document with the words "**PAID OFF JUDGES**", and several names on it, in the Appellee / Petitioner's warehouse, or maybe for some other unknown reason, or maybe just so Judge Ellis can prove that she can, Judge Ellis has developed an agenda with the goal to take my

Pages 2 through 8 omitted

with 2 drug dealers **which cannot possibly be in my 10-year old daughter's best interest.**

1. I respectfully request that this Honorable Court permanently stay or void this Order by Judge Ellis. Please note that Judge Ellis has refused to grant a stay on the other appeal issues that had motions for stay to be heard January 4, 2002 and February 13, 2002.
2. I respectfully request that this Honorable Court see this Order as part of a Judge Ellis agenda that is not in the best interest of Erin or Spencyr and permanently remove all Jurisdiction from Judge Ellis concerning the 17-year old Erin and my 10-year old daughter Spencyr who is not related to John Ford.

I will cover the many other disputed facts and findings of the subject Judge Ellis Order in a following brief if this Honorable Court does not fix the problems before I find an attorney to represent me or I file them myself.

Thank you very much.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to Appellee / Petitioner's Attorney, Thomas Franchino at 1250 North Tamiami Trail, Suite 106, Naples, Florida 24102 and the Clerk of the 20th Circuit Court and Judge Ellis, at 3301 Tamiami Trail East, Naples, Florida 34112, by U.S. Mail on the 20th day of March, 2002.

Karen Kae Kalberer Holcomb

Karen Kae Kalberer Holcomb pka Karen Ford
4606 Sloewood Ct., Mt. Dora, Fl. 32757,(352)-383-2134

SECOND DISTRICT COURT OF APPEAL
1005 E. Memorial Blvd.
Lakeland, Florida 33801-0327
(863)-499-2290

Case number 2D02-1205
L.T. case number 99-3967-CA

Karen Kae Kalberer Holcomb
In Propria Persona
Appellant,
v.
John Ford
Appellee.

Motion for Reconsideration by the Honorable Second District Court of Appeal En Banc.

Please consider this case En Banc because the "Affirmed" Opinion is **not uniform** with 4 cited law cases, about 7 Florida Statutes, Rules of Juvenile Procedure, Proceedings Relating to Children, and Florida Rules of Civil Procedure. Changing the "Affirmed" Opinion is necessary to maintain **uniformity** of Florida Law, Florida Appellate, and Circuit Court Decisions. The Affirmed Opinion is of great importance for a **precedent case** as the Collier Circuit Court Order has taken a child from her biological mother in a married two parent home and gives the child to an unrelated, unemployed, ex-stepparent who is **a convicted felon that served two years in Florida Prisons, (Flo63025C from August 15, 1969 until August 10, 1971 when paroled to Flo37035G).**

The Collier Court took the child that was born of the 4 year marriage between the Appellant and English citizen Ajit Bally, because the Appellant denied that ex-stepparent John Ford, the Appellee, was the child's father. The Appellant married Ajit Bally in Miami Florida

in 1989. (Record v.2 page 52) The Appellant and Ajit Bally had a child July 7, 1991. (Record v.2 page 53) The Appellant and Ajit Bally divorced in 1993. (Record v.2 page 54)

The Appellee, John Ford refused to take a paternity test June 12, 2000. (Record Plaintiffs exhibit 23.) The Appellee never supported nor adopted the Bally child and there is nothing in the record to prove otherwise.

Please allow me to submit this Pro se, as I do not have any money to pay an attorney. I paid Attorney Gary Shader $5,000 to help get my daughter back, and the minimal August 21, 2002 initial brief was all he did.

I paid Appeals Attorney Debra Surtton $15, 000 to help get my daughter back. She charged me over $3,300 for five bank calls to verify my cashiers checks, talk to her office law partner, and quit, because I did not tell her of an upcoming hearing.

I paid my original Attorney Aldo Icardi over $18,000 and he had a stroke and had to retire. Fortunately, he is recovering fairly well. He really tried and gave his best effort.

To justify taking my daughter from me, the Appellant, the Circuit Court Judge falsely, untruthfully, and with no documentation in the record, declared, as fact, that my daughter from Ajit Bally and I, the Appellant, had been living with John Ford, the Appellee, since the child was born. There is nothing in the record to justify such false misrepresentation.

Until my daughter born of the Ajit Bally marriage was 4-years old, she and I lived with my father who was a retired Tyndall Air Force Base Wing Commander and the personal pilot for General Patton during WW II. My father hated the Petitioner/Appellee and would not allow him in his home even after the June 24, 1994 marriage. The Petitioner/Appellee has embezzled all of the $190,000 that I

inherited from my father when he died in 1997, and the Collier Circuit Court has refused to require it to be accounted for or returned to me. I am attaching the June 4, 2003, "Motion for Domestic Violence Evaluation by State Certified Evaluator, less the Batter as Parent information, with the hope that it is allowed under Appellate Rule of Procedure 1.130(a,b)

On April 18, 2001 the **bifurcated,** "Final Judgment for Dissolution of Marriage adopted the incomplete "Marital Settlement Agreement," as part of the final order states that I, **the Respondent/Appellant have "Primary**

residential custody of my daughters". The Marital Settlement Agreement is skewed because there was **"no meeting of the minds,"** concerning paternity. I, the Appellant/Respondent **did not** agree to any paternity of the Appellee/Petitioner, but only that I would prove that Ajit Bally was Spencyr's father as required in #3 of the June 28, 2000 Paternity Order as I did June 30, 2001. (Record v. 2 pages 51,52,53,73,74, and 83)

Neither the bifurcated Final Dissolution of Marriage nor the partial Marital Settlement Agreement resolve the issue of paternity of my, the Appellant's/Respondent's daughter Spencyr. That Marital Settlement Agreement specifically addresses the paternity issue of **the daughter born of my marriage to Ajit Bally** as: **PATERNITY 7. That the wife agrees that she shall abide by the Order of the Court dated June 28, 2000 as to any paternity issues in this matter.** The June 28, 2000 Order states in #3 **That the paternity test shall be requested from the alleged natural father.** (Record plaintiffs exhibit 23)

Further proof that the **bifurcated** dissolution of marriage did not resolve the paternity issue is on page 9 line 3, of the May 15, 2001 Judges Ruling: **"I can take the children, or at least the one child** (Erin Ford), **that's**

clearly his biological daughter and put that child with him." (Record Plaintiffs exhibit 29 and attached).

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In the February 13, 2002 contempt hearing Judge Ellis ruled: **Petitioner is legal father of Spencyr / father to begin every other weekend visitation 2/22/02 and every other weekend thereafter."** This ignored the Ajit Bally marriage (Record v.2 page 160), and there never was any hearing to terminate the Ajit Bally parental rights.

The Appellant, the Appellant's ex-husband, Ajit Bally and our daughter are entitled to "Equal protection of the law" under the 14th Article of the United States Constitution, and the Second Section of Article 1 of the Florida Constitution for all of the following court cases, and Florida law.

The Affirmed Opinion is **not uniform** with Florida Family Law Rules, Florida Rules of Civil Procedure and Proceedings Relating to Children. There was **"no" Supplemental Petition for Change of Custody and no change of custody hearing** 30 days after the court ruled, for the first time, February 13, 2003 that the Petitioner / Appellee was father of Spencyr. There was no egregious act that justified change of custody. (A first time finding of contempt for trying to comply with the June 28, 2000 Paternity Order and missed visitation, part of which was during a "No Contact" Court Order for a Death Threat," does not reach the level of change of custody.)

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No provisions for Attorney Representation to represent Appellant and Children. No Guardian ad Litem assigned to case. Petitioner/Appellee failed to use the Court Assigned Parenting Coordinator.

The Affirmed Opinion is **not uniform** with the Florida law concerning filing and serving a **"Uniform Child Jurisdiction Act Affidavit."** No Uniform Child Jurisdiction Act Affidavit was part of the Collier Ct. change of custody.

The Appellant argues that the "Affirmed" Opinion in this appeal is **not uniform** and contrary with the Appellate court case Wolfe v. Wolfe, App.2Dist.,582 So.2d 133(1991). The Second District Court of Appeal ruled, **"it was an abuse of discretion on the part of the court not to order paternity test. Appellant was entitled to test."** Also Florida Statute 742.12.

The Appellant and her daughter are entitled to the "Equal protection of the law" under the 14th Article of the United States Constitution, and the Second Section of Article 1 of the Florida Constitution. The Appellant was entitled to the same paternity test as was required in Wolfe v. Wolfe and by Florida Statute 742.12, that was denied by the Collier Circuit Court.

The Appellant argues that the "Affirmed" Opinion in this case is contrary and **not uniform** with Appellate court case Ford v Loefler, App. 3Dist.,363So.2d23(1978), "that right to sue for determination of paternity lay with mother, and **plaintiff, as putative father, was without the right to have himself declared the father of a child who the mother denied was his, and thus he was not entitled to visitation rights."**

The Appellant and her daughter are entitled to "Equal Protection of the Law as stated above. The Appellant, Ajit Bally, and their daughter are entitled to the same rights Janice Ford was given in the Dade County Circuit Court and the Third District Court of Appeal in Ford v. Loefler.

The Appellant's Attorney Aldo Icardi, and the Appellant have denied that the Appellee was the father of the Appellant's / Ajit Bally's daughter in the Answer to Petition for Dissolution of Marriage, including Affirmative Defense, (Record pages 72,73), and in every court document since, including the Motion for Paternity test, (Record page 84) and the Motion for Temporary Child Support (Record pages 85,86).

The Appellant respectfully requests that the "Affirmed" Opinion be reversed. This will correct the Second District Court of Appeal Opinion "Affirmed" so it is **uniform** with the Third District Court of Appeal Order in Ford v. Loefler. Page 7

The Appellant argues that the "Affirmed" Opinion in this case is contrary and **not uniform** with the Florida Statute 744.301 and a previous Second District Court of Appeal Case Sanders v. Yancey 122So.2D 202 (Fla2dDCA 1960), **"that the natural father of a child is the man that the mother is married to at conception and / or birth."** (Of which the Appellee is neither.)

The Appellant, Ajit Bally, and their daughter are entitled to "Equal Protection of the law as stated above. The Appellant, Ajit Bally, and their daughter are entitled to the same rights as R. J. Anderson, his ex-wife Jeanette Sanders, and their unnamed child. The Appellant, Ajit Bally, and their daughter are entitled to the equal protection of Florida Statute 744.301 as the natural parents and child.

The Appellant respectfully requests that the Second District Court of Appeal Opinion "Affirmed" is reversed so that the Second District Court Opinion is **uniform** with the previous Second District Court of Appeal Order in Sanders v. Yancey and Florida Statute 744.301.

The Appellant argues that the Second District Court of Appeal Opinion "Affirmed" in this case is **not uniform** with Circuit Court Case
Paxton v. Paxton, Ninth Circuit District Court, case # DR95-8452 Order

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filed February 27, 2002 by the Honorable Senior Judge Charles N. Prather, **"b. Linda Paxton is the wife of Garry A. Paxton, and as such is a STEPPARENT of Dustin Steele Paxton. The parents may agree to responsibilities as stepparent, but she, as Former Husband's wife and STEPPARENT of Dustin, has no inherent rights in or to Dustin."**

The Appellant, Ajit Bally, and their daughter are entitled to "Equal Protection of the Law" as stated above. The Appellant, Ajit Bally, and their daughter are entitled to the same rights given to Garry A. Paxton, Susan Q, Paxton, Dustin Steele Paxton, and most importantly **not given** to **stepparent** Linda Paxton, as should **not be given** to the **Appellee.** There is nothing in the Record of any case that the Appellee / Petitioner ever supported or adopted the Appellant / Respondent, Ajit Bally daughter Spencyr.

The Appellant respectfully requests that this Honorable Court reverse the "Affirmed" Opinion and void all Collier Circuit Court Orders concerning the Appellant / Ajit Bally daughter.

The Appellant argues that the Second District Court of Appeal "Affirmed" Opinion in this case is contrary and **not uniform** in the termination of the Circuit Court Case without the Marital Debts, many of the

Marital Assets, the Appellant's claim that the Appellee return the Appellant's $29,000, and the **unresolved** issue of Paternity. (The March 11, 2002 Order section "Matter of Law . . . , Number 1, pending motions)

Ironically the Collier Circuit Court terminated the case after the Court's suggestion, (during the February 28, 2001 Court required Case Management Conference,) that the Appellant should request that the Divorce be bifurcated out of the proceeding. The court suggestion was so the Appellant could marry James Holcomb for dependent health insurance and because the Appellee refused to provide discovery request including bank and business records. (Record pages 103, 229#3) The Appellant requested the bifurcation then the Collier Circuit Court Judge terminated all issues without checking the Appellant's Affirmative Defenses and Counter Petition. The Appellant and the Appellant's attorney did not know the April 18, 2001 Final

Judgment for Dissolution of Marriage was not a bifurcation. (Record 286 and attached December 26, 2001 Jeffrey Icardi letter.)

The Appellant respectfully requests that this Honorable Appeals Court take Judicial Notice of the following Florida Statutes, in considering this request for reconsideration en banc. Page 10

Florida Statute 61.052(4) No judgment of dissolution of marriage renders the child born of the marriage a child born out of wedlock. (Ajit Bally, Appellant marriage and child Spencyr)

Florida Statute 744.309(3), **"No person who has been convicted of a felony shall be appointed to act as a guardian,"** Florida Statute 90.201, 90.207 "Matters which must be judicially noticed," and "Rules of Civil Procedure, Rule 1.130(a,b), "that pleadings and attachments should be considered by the Court".

The Appellant knows that the Appeals Courts in Florida cannot have their opinions appealed in the Florida Supreme Court if they rule Affirmed per Jenkins v. State. Attached is the Florida Supreme Court "Notice of Appeal none the less. If you deny this request then the next appeal is in Federal Court or the United States Supreme Court. I am a mother and I will be going there if necessary. If I must go there I hope to get a ruling that Affirmed Opinions require a written opinion for each issue of the appeal and that the Florida Supreme Court will again have discretionary review jurisdiction. Maybe the Florida Supreme Court not having Jurisdiction over

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the Appeals Courts that rule Affirmed will be ruled unconstitutional and I will then be back in the Florida Supreme Court. Maybe this ruling will become the new **"Florida"** case law, **"Florida Courts will**

be famous for something other than Gore v. Bush." Maybe this honorable court will rule on what is in the best interest if my daughter and return my daughter to me.

I, the Appellant, am a public school teacher and a mother, and I only want my daughter back. I hate this court stuff. Please give my daughter back to me.

It would be greatly appreciated if this Honorable Appellant Court would reconsider the consequences of the "AFFIRMED" opinion in this case, and reconsider what is in the **best interest of an 11-year old female child,** currently **living with an unrelated, unemployed, unmarried, 52-year old man with a 2 year prison history.** It would be greatly appreciated if this Honorable Appellant Court would **reverse** the "AFFIRMED" opinion and return this 11-year old female child to her biological mother.

It is in the best interest to the Appellant's daughter to be with her biological mother in a "married" two-parent home.

Respectfully Submitted, Page 12

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to the Appellee / Petitioner's Attorney Thomas Franchino at 1250 North Tamiami Trail, Suite 106, Naples, Fl. 34102, the Clerk of the 20th Circuit Court at 3301 Tamiami Trail East, Naples, Fl. 34112, by U.S. Mail on June 6, 2003.

Karen Kae Kalberer Holcomb pka Karen Bally and Karen Ford
P.O. Box 777
Oakland, Fl. 34760
Telephone 407-469-2510

Last page

In the Circuit Court of the Ninth Judicial Circuit, in and for Orange County. Florida
Domestic Relations Division 30
Case No.: DR95-8452

IN RE: The Former Marriage of
GARRY A. PAXTON,
Former Husband,
and
SUSAN Q. PAXTON,
Former Wife,

Fourth Amended
Final Judgment of Dissolution of Marriage

This Cause, having come on to be heard upon the Former Wife's Petition for Modification and the Former Husband's Amended Answer, Counter-Petition and Motion for Contempt/Enforcement, and the Court, having heard the testimony of the parties and their witnesses, receiving documents into evidence, hearing argument of counsel, and being otherwise duly advised in these premises, the Court

FINDS and DECIDES:

1. This court has jurisdiction over the parties and the subject matter herein.
2. There is one minor child subject to the proceedings, DUSTIN STEELE PAXTON, Born October 8, 1983. (current age 17). (#3 to #9 omitted)

IT IS ORDERED (a. & c. through l. omitted)

b. **Linda Paxton** is the wife of Garry A. Paxton, and as such, **is a stepparent of Dustin Steele Paxton.** The parents may agree to responsibilities as stepparent, but she, as Former Husband's wife and **stepparent of Dustin, has no inherent rights in or to Dustin.**

DONE and ORDERED in Chambers at Orlando, Orange County, Florida, this 27th day of February, 2002.

Charles N. Prather
Senior Judge

Jeanette SANDERS, joined by her next friend, Bernice Sanders, her natural mother, **Appellants,**

v.

Wayne YANCEY, Appellee,

No. 1583

District Court of Appeal of Florida.

Second District July 1, 1960

Action to establish defendant to be father of Plaintiff's unborn child. The Circuit Court, Polk County, Clifton M. Kelly,J., entered summary final decree dismissing the complaint, and plaintiffs appealed. The District Court of Appeal, Allen, C.J., held that mother will not be permitted to have **child conceived in wedlock** declared to be illegitimate.

Excerpts: (Page 202 first paragraph) Polk County Circuit Court Judge, Clifton M. Kelly, entered summary final decree dismissing plaintiff's complaint with prejudice on the grounds that **since the child was conceived while plaintiff was married, the plaintiff mother has no standing** to have her child declared illegitimate nor **to establish that one other than her former husband is the putative father.**

(Page 202 second paragraph) **Plaintiff and R.J. Anderson were married on March 19, 1958, and lived together until May 1958, at which time they separated.** Plaintiff began dating the defendant in June 1958, and commenced having sexual intercourse with the defendant sometime during August, 1958. Thereafter, **plaintiff became pregnant in December, 1958.**

(Page 203 first paragraph) The defendant's affidavit corroborated the facts set forth in plaintiff's affidavit. (Page 204 paragraph 2) The social philosophy that pervades the law of Florida on this question finds its origin in the English law, ---, along with the statute laws of England of a general and not a local nature down to July 4, 1776, are in force in Florida. Chapter 2, Florida Statutes, F.S.A.

In 1777 Lord Mansfield stated that the rule, founded in decency, morality, and policy, is that the declarations of the father or the mother cannot be admitted to bastardize the issue born after marriage. Goodright v. Moss, Cowp. Pt. 2, pp. 591, 592, 594, 98 Eng. Reprint 1257; 11 Eng.Rule Cas.518. Also in Rex v. Reading, (1734) Cast temp Hard 79, 82, 95, Eng. Reprint 49, the above rule was referred to as a rule which **"most wisely and properly protects the sanctity of married intercourse and permits it not to be inquired into *in any Court of law.*"**

Janis FORD, Appellant,
v.
John LOEFLER, Appellee,

District Court of Appeal of Florida.
Third District
September 19, 1978.
Rehearing Denied Oct. 23, 1978.

The Circuit Court, Dade County, Stuart M. Simons, J., entered order denying defendant's motion to dismiss complaint for declaratory judgment in which plaintiff alleged that he was the father of defendant's child and sought visitation rights, and defendant appealed. **The District Court of Appeal**, Kehoe, J., held that right to sue for determination of paternity lay with the mother, and **plaintiff,** (Appellee), as putative father, **was without the right to have himself declared the father of a child who the mother denied was his,** and thus, **since plaintiff could not establish paternity, he was not entitled to visitation rights.**

Reversed with directions.

Pearson, J., filed a dissenting opinion.

Robert Bush WOLFE, Appellant,
v.
Sylvia WOLFE, Appellee,

District Court of Appeal of Florida.
Second District
July 3, 1991.

Husband petitioned to have **scientific paternity testing** in dissolution case. The Circuit Court, Sarasota County, Becky A. Titus, J. denied petition and appeal was taken. **The District Court of Appeal, Lehan, Acting C.J., held that husband was entitled to have test conducted.**

Vacated and remanded.

(Page 134, paragraph 1) Lehan, Acting Chief Judge.

In this dissolution of marriage case we reverse the trial court's refusal to grant the husband's request for scientific paternity testing for which the husband agreed to pay. Section 742.12(1), Florida Statutes (1989), provides that "[i]n any proceeding to establish paternity in law or in equity, the court ... upon request of a party shall require the child, mother, and alleged fathers to submit to Human Leukocyte Antigen tests or other scientific tests that are generally acceptable within the scientific community to show probability of paternity." (Paragraph 2, Regarding "shall" or "may" in 724.12 statute), "there would have been an abuse of discretion in the denial of the husband's request since no proper basis appears for that denial." (Paragraph 4), We affirm the amended final judgment of dissolution except its determination of paternity, which is vacated. The cause is remanded for proceedings consistent herewith.

PARKER and PATTERSON, JJ., concur

State of Florida Guardian ad Litem Program
Office of the State Courts Administration
Supreme Court of Florida

JUVENILE PROCEDURE RULES (Page 157)

E. Termination of Parental Rights

Rule 8.500. Petition

(a) Initiation of Proceedings.

(1) All proceedings seeking the termination of parental rights to a child shall be initiated by the filing of an original petition in the pending action, if any.

(2) ---. Each petition shall be entitled a petition for termination of parental rights.

Rule 8.505. Process and Service

(a) Personal Service. Upon the filing of a petition requesting the termination of parental rights a copy of the petition and notice of the date, time, and place of the advisory hearing must be personally served on

(1) the parents; (2) the legal custodians ---

Rule 8.510 Advisory Hearing and Pretrial Status Confernce

(a) Advisory Hearing

(1) An advisory hearing on the petition to terminate parental --- within 72 hours ---.

(2) The Court must: (A) advise the parents of their right to counsel and appoint counsel ---; (B) determine whether an admission, consent, or denial to the petition shall be entered; (C) appoint a guardian ad litum ---.

Rule 8.515. Providing Counsel to Parties

Rule 8.520. Answer and Responsive Pleadings

Rule 8.525. Adjudicatory Hearing

Rule 8.535. Post-Disposition Hearing

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR COLLIER COUNTY, FLORIDA CIVIL ACTION

JOHN FORD,
Petitioner,
and CASE NO. 99-3967-CA
KAREN K. K. HOLCOMB,
Respondent.

EXCERPT OF PROCEEDINGS HEARING
BEFORE: The Honorable Daniel R. Monaco
Date: December 16, 2002. Time:12:16 p.m. to 1:46 p.m.
Location: Collier County Courthouse Naples, Florida.
Reporter: Barbara A. Donovan, RPR, CM, CRR.
APPEARANCES:
For the Petitioner: Thomas W. Franchino, Esq.
1250 North Tamiami Trail, Suite 106
Naples, Florida, 34102
For the Respondent: Pro Se

Department of Children and Families (DCF)
Investigator: Laura Hoechst (from Lake County DCF)
Page 9, line 8 to line 22,

Q. (question) (by Mrs. Holcomb) Would you please tell us some of the many dangers that you felt that the child, (the Minor Petitioner), was in that you even sent the case down to Collier County and requested them to look into it?

A. (answer) (by Laura Hoechst) I had concerns that if John Ford was a convicted felon that there was guns in the home and in his place of employment. I also had concerns about the small mark that was on her forehead, she, (the Minor Petitioner), said that he had hit her. I had concerns about her fingers that were hurting that she said that he had bent back while she was pointing at a menu.

Let me see. She said she had witnessed domestic violence , and she heard John Ford threaten to KILL the mother, (Petitioner), in the past. Let's see what else here. Oh, she also said that he, (John Ford), offered her marijuana, and it makes her very uncomfortable.

DCF investigator: Carol Savage (from Lake County)

Page 18, line ?

Q. (by Mrs. Holcomb), Did you find the child credible?

A. (by Carol Savage) I found the child to be very credible. (Page 19, lines 1 to 10,) County, they would tell him. I believed that when she said there were guns in the home. I believed her when she told us that her guardian, John Ford, does abuse drugs and offers her drugs. She also told me that he makes her sleep in the bed with him. And fingers – she mentioned the fingers as well.

Q. Okay. And would you have agreed with Mrs. Hoechst, as well, as to sending the sheriff for the visit –with the visit instead of making appointments?

A. Absolutely.

Q. Mr. Franchino (page 21, line 10 to16), And is that the extent of what you referred to as an investigation?

A. (by Carol Savage) I would have loved to complete this investigation, to be honest with you, because I would have sheltered the child.

Q. But you didn't –

A. However, we didn't have the jurisdiction.

Narrative Continuation Juvenile [X]

FLO350000 **LAKE COUNTY S.O.** **02026811**

Date 03/18/02 Case Reference Police Information

CONFIDENTIAL

Name *Spencyr paulina Kalberer Holcomb*

DOB *July 7, 1991*

Address *4606 Sloewood Ct.* **JUVENILE**

Ph. # *(352) 383-2134*

I Spencyr Holcomb do not want to be there with John Ford and I don't want to live with him. He hits me with his nuckles when I cry He hits my mom and sister. to. I want to live with my parents Jim and Karen Holcomb. His appartment smells like rotten eggs and he has no food. my brother was on drugs and still is I think. And he (John Ford) threnḍ to hurt my horses and animals when he told me he was moving. I want to live with my best friends

Shaun M. Wells Spencyr Holcomb

Signature of person making statement

and my pets. I am an animal person and he's saying that he will by me 20 hourses. I said "no". He (John Ford) has whiped me just when I didn't know any better. And one night that I was laying in bed and I fell aslep wathing T.V. and in the morning I found him (John Ford) in the same bed in his undies and shirt. And the door dose not have a door nob on it. And his son Cory Ford that does drugs had anouther boy that got expelid from school by doing drugs on school property.

JUVENILE Spencyr Holcomb

Signature of person making statement

Shaun M. Wells ID # 1199 Unit *Patrol* Date *3/18/02*

Sept. 4th 2002

Dear, Honorable Judge Miller,

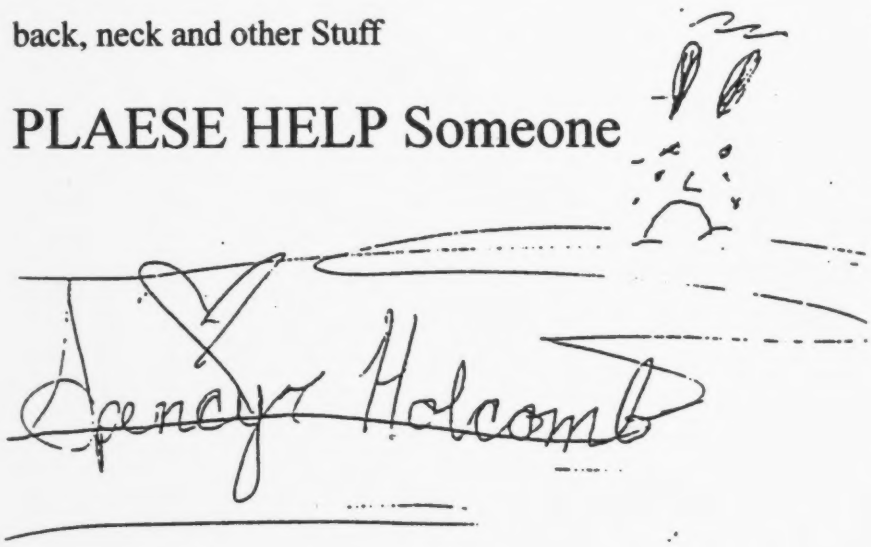
Can you belive that my Stepfather John Ford got full custody of me? I don't get it. God has Some things we don't understand and this is one. big one! Why do I have to live with this man that's not relatied to me? Why don't I get to live where I want? Where I fell loved. For 10 yrs old I understand a lot of things – but this? I feel like I'm being pushed around I deep down in my hart that I want to Stay with my mom. She cares about me. My real dad is James S. Holcomb. I like my real dad a lot. He is relay nice. Pluse John dosent even Spend time with me like Jim Daddy dose. John day in day out is at his golf instiute. And when John has time for me he lets cory my brother come over and pick me up. I'm relly confused and Scared. I feel like I'm walking on eggshells afraid to trun a corner or walk around. I wounder and cry just thinking about my mom. Why do I have to

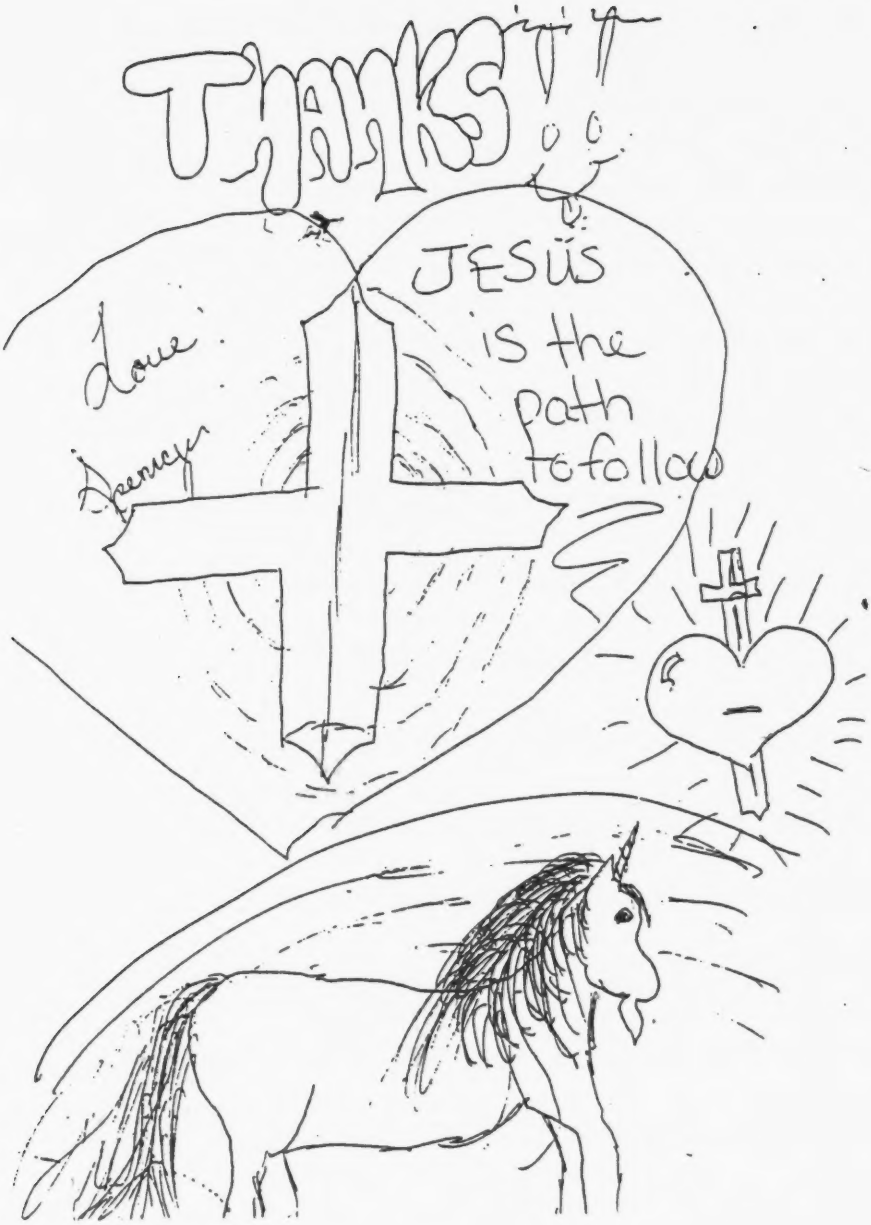
be , in the middle? Because I want to? I am a very good chritsian girl I believe that God is doing this for a reason I try to think W.W.J.D.

But it's always hard to think when I'm put in all this mess. My mom works as a teacher at School. I'm Scared of how my mom & what She's doing. I wish Someone can help me but I believe that faith precedes the mircle. Nothing makes me belive diffrently. I don't know if you understand what I'm going through but I atill want to Stay here in Clearmont where I can be loved by my friends and family Cared for and I'm not going to be Scared where I am in Naples. **I'm Scared he's going to break my fingers He has told methat he will do this to me.** He has bent my fingers backwards when we were in Orgen And they Still hurt. I don't See why I can't Speak. Why dose judge Elese make the desieion. I think the kid

that's going Wherever Would get to pick, Why are they doing this to me? They Shouldn't take kids away from their mothers. They were the ones Who Went through all the pain in labor to breing me into this world.. And John was'nt even married to my mom when I was born. And Sometimes when I talking to my mom he jurks the phone out of my hands or hangs up on her because I cry because I cry when I miss my mommy so much. I need Someone to listen to me once in my life except for my family. I wauld like to a lot if you could try your HARDEST to get me back to my mom emagen you loseing your son or Daughter and having a bad back, neck and other Stuff

PLAESE HELP Someone





Appendix 50

7-31-03

I Spencyr Kalberer Holcomb do not want to have to live in Naples with Jhon Ford. I would like to have visitation like Jim Holcombs daughter. Has with him. And that's when she wants to. I would like to play Sports like Cheerleading and have my mom there to do my hair and support me like She did with my Sister. I don't enjoy having to drive to Naples from my moms and I cry but John says your not going back to live with your (end of page 1) Mom nomatter how much you Cry. Also at my mom's I Love going to work at Bears and training horses with my Sister Tara Holcomb. I enjoy Playing with my kittens and cats With My Mom and Dad Karen and Jim Holcomb. I Love my mom and you are putting threw pain keeping me away from her PLEASE do Something so I can come home.

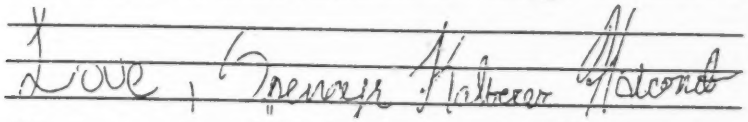
Thanks

x Spencyr Kalberer Holcombs

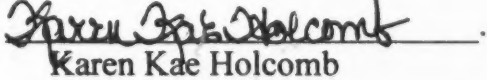
8-11-03

Dear Judge Monaco,

I Spencyr Kalberer Holcomb think that I Should live with my mom. I'm So Scared to go to my own house in Clearmont because I think John will come take me away and kid nap me. Which I DON"T WANT TO Happen. I really want to go to school here with my mom but I Can't because of Stupid John he threatened the guiedence counsilor not to , enrole me. And I deffinitely don't want to go to school in Naples PLEASE DO SOMETHING So that I can live with my mom I Love My mom and Jim Holcomb (Dad) I wish I could live with my mom and I know you'll help me to get me back with my mom were I belong. Please Make John send the records to Eustis Middle so I can go to School here.



I certify that a copy of this has been sent to Thomas Franchino at 1250 N. Tamiami Tr. Suite 106, Naples, Fl. 34102 on August 11, 2003.



Karen Kae Holcomb

IN THE CIRCUIT CT OF THE TWENTIETH JUDICIAL CIRCUIT & FOR COLLIER COUNTY, FLORIDA

JOHN FORD,
Petitioner,
v. **CASE NO: 99-3967-CA-01**
KAREN HOLCOMB,
In Propria Persona
Respondent,
_____/

Third Supplemental Petition for Change or Modification of Custody for Contempt of Collier Court Visitation Orders, and Intentional Psychological Abuse of Respondent and her 12-year old daughter.

Please make an Emergency Summary Judgment changing residential Custody for Contempt and the following.

On Friday September 12, 2003 at about 4:50 P.M. the Petitioner stated **"I'm not bringing Spencyr to you until you get the Collier Court to make me. I know I'm making you miserable, I'm doing it intentionally, Ha, Ha, Ha. Were going to get you in court, you're never going to see your daughter again"**

Denial of visitation and psychological abuse to the Mother and Child is a direct violation of Florida Statutes 39.13 and 61.13 **"the best interest of the child".** (Attached "The Batterer as Parent", Risk of Psychological Abuse and Manipulation and

Risk of Physical or Sexual Abuse of the Child by the Batterer.)

Respectfully Submitted,

I certify that a true and correct copy of the foregoing has been sent to Thomas Franchino, by U.S. Mail on September 12, 2003.

Karen Kae Kalberer Holcomb .

Karen Kae Kalberer Holcomb pka Karen Bally, Karen Ford
PO Box 82, Ferndale, Fl. 34729, (407)-469-2510

Additional Supplemental Petition for Change or Modification of Custody for Contempt and Alienation, by the Petitioner, September 5, 2003.

Please accept another supplemental petition for change or modification of custody for **contempt** and **continued alienation.** From Saturday, August 30, 2003, until Friday, September 5, 2003, the Petitioner has only allowed **my** daughter, Spencyr, to Spencyr to talk to me **one (1)** time on the telephone. There is **NO telephone** available for use, including for 911 emergencies.

Today, September 5,2003, at 5:10 P.M., the Petitioner refused to allow me to speak to my daughter on the telephone, and informed me that since he **"was already in contempt for last weekend, there is no reason for her to have visitation this weekend, or any other."**

The alienation and denial of visitation by the Petitioner is marital ABUSE to myself, the Respondent, and **psychological and emotional ABUSE to my daughter, Spencyr**. I pray that this **honorable** court will **honor** this supplemental petition for change or modification if custody because it is in Spencyr's (the child's) **best interest.**

Respectfully submitted, September 5, 2003

Supplemental Petition for Contempt and Change of Custody, or Modification of Custody after Petitioner's denial of visitation during Horse Camp in Ocala National Forest August 29, 2003 to September 1, 2003.

The Respondent respectfully requests that the Honorable Judge Monaco consider and rule this refusal to allow visitation as well as the following previously submitted Motions is not in the child's best interest and Respondent requests that residential custody be returned to her mother, the Respondent. (Residential custody was removed by Judge Ellis on a first time finding of contempt, which included 9 weeks of no contact order by Orange County Circuit Court for death threat against the Respondent by the Petitioner.)

On August 29, 2003 the Petitioner refused to acknowledge whether or not he would bring Spencyr to Brandon for Court Ordered Visitation. At 7:00 PM on Friday, August 29, 2003, **as we arrived** at the Brandon Mall to pick up Spencyr, the

Petitioner stated, "I have decided that I am not bring Spencyr for Visitation.

On Saturday, August 30, 2003, during her sister, Tara Holcomb's Birthday Party, I, the Respondent, heard my daughter **Spencyr call the Petitioner, John Ford, "A Fucking Ass Hole,"and began crying,** because he would not allow Spencyr to go to Horse Camp. Petitioner, John Ford, has not allowed anyone to talk to Spencyr since that comment. It is unknown as to her safety at this time.

This is the **forth time this year** that the Petitioner has denied Spencyr visitation with me, the Respondent, her mother.

This is the **second** Horse Camp in Ocala National Forest, of the last four, that the Petitioner has **refused** to allow this child to attend.

Abuse is not only physical.

Visitation denied by Petitioner June 20, 2003 to June 22, 2003.

Visitation denied by Petitioner March 28, 2003 to March 30, 2003.

Visitation denied by Petitioner January 31, 2003 to February 2, 2003.

Petitioner is accompanying 11-year old ex-stepdaughter to **R-rated movies** and not allowing ex-stepchild access to telephone including (911).

Spencyr knows the pain of the Petitioner removing her clothes, including her underwear, **(exposing her genitals),** and being whipped with a **belt.** I could not stop him from doing this many times. Petitioner would state, "She doesn't **feel enough pain** if her clothes aren't removed."

Spencyr knows the pain of the **Petitioner bending her hand back to her arm until the bones break.** DCF report 151100

Spencyr knows the pain of the **Petitioner hitting her in the face with his knuckles.** Lake County Sheriff Report March 18, 2002

Spencyr knows the pain of the **Petitioner hitting her in the face often,** DCF investigator Laura Hoechst December 16, 2002 Transcript of testimony.

Spencyr knows the fear of **being with Cory Ford smoking Marijuana while baby setting her.** DCF report 2003-308534.

Spencyr knows the fear of being offered illegal drugs by the Petitioner, John Ford. DCF report 151100 and December 16, 2002 DCF testimony transcript.

Spencyr knows the fear of hearing the Petitioner, John Ford, threatening to kill her

mother, me, the Respondent. DCF report 151100 and December 16, 2002 DCF testimony transcript.

Spencyr knows the fear of hearing the Petitioner raping her mother many, many times. September 2, 2003 Addition to Motion to Pick-up Minor Child.

Spencyr knows the reality of the 3-year old child suffering chronic nightmares after the 3-year old child's abusive father told her he was taking her from her mother. Page 154 of "The Batterer as Parent." Judge Ellis and Judge Murphy gave her to the abusive Petitioner.

Spencyr knows the pain of **being used by the Petitioner, John Ford to continue to abuse me, the Respondent, after the divorce.**

The Respondent respectfully requests that the Honorable Judge Monaco consider and rule this **refusal to allow visitation** as well as the previously submitted Motions and requests are not in the **child's best interest** and **return residential custody** to the Respondent, her mother.

Respectfully submitted, September 2, 2003.

IN THE CIRCUIT CT OF THE
TWENTIETH JUDICIAL CIRCUIT
& FOR COLLIER COUNTY, FLORIDA

JOHN FORD,
Petitioner,

v. **CASE NO: 99-3967-CA-01**

KAREN HOLCOMB,
In Propria Persona
Respondent,

_____/

Memorandum of danger September 15, 2003

Today at 6:55 P.M. September 15, 2003, while talking to my daughter, Spencyr, I asked about her friends. She stated that she only has one. I told her that John usually refuses to allow me to talk to you stating that you are at "friends."

Spencyr then said, "that's not true. I am usually walking up and down the street, hoping that I will get hit by a car."

The house where the Petitioner is keeping Spencyr is about 200 yards from 6 lane Tamiami Trail.

Fearfully Submitted,

I certify that a correct copy of the foregoing has been sent to Thomas Franchino, by U.S. Mail on September 15, 2003.

Karen Kae Kalberer Holcomb

Karen Kae Kalberer Holcomb pka Karen Bally, Karen Ford
PO Box 82, Ferndale, Fl. 34729, (407)-469-2510

James Holcomb I heard above statement too.
James Holcomb, legal step-father

In the Circuit Court of the Ninth Judicial Circuit, in and for Orange County. Florida

Case No.: DR01-10844

Karen Kae Holcomb
Petitioner,

and

John Ford
Respondent.

Supplemental Affidavit in Support of Petition for Injunction for Protection against
( ) Domestic Violence (X) Repeat Violence

I, *{full legal name}* Karen Kae Kalberer Holcomb, being sworn, certify that the following statements are true:

1. On *{date}* July 22, 2001, at *{place and address}* 4606 Sloewood Ct. Mt. Dora, Fl. 32757 Respondent said or did the following things that hurt me and member of my immediate family and made me afraid for my or my family member's safety: **Threat to kill me and "kidnap" my daughter, (his ex-stepdaughter), on this Sunday - 4 days ago – I came here for protection for my child and myself. Please read historyin the case filed today – July 26, 2001.** [ ] Check here if you are attaching additional pages to continue these facts. "I don't have the copies, they are in original case."
2. On *{date}* _____, at *{place and address}* _____ History same _____, the following event(s) took place: See other history attached to case.

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT & FOR COLLIER COUNTY, FLORIDA

JOHN FORD,
Petitioner,

v. **CASE NO: 99-3967-CA-01**

KAREN FORD,
In Propria Persona
Respondent,

_____/

Rape Addition to:
Supplemental Petition for Emergency Motion for Child Pick-Up under Florida Statute (FS)787.03(4)(a) and (c) law filed August 5th in this Circuit Court.

It is with immense pain and shame that I, the Respondent, admit the following to this Honorable Court.

Almost every week, at least 40 times per year, for over four years, the Petitioner, John Ford, would lock me in the bedroom, force me to smoke marijuana, force me to watch pornographic movies, and rape me, while my daughters Erin and Spencyr would pound on the bedroom door, screaming, and crying.

The Petitioner would forcefully prevent me from letting the girls in to escape.

The Petitioner told me I was no good for anything else, and he would divorce me and take my children from me if I did not do what he told me to do. (Allow him to rape and sexually abuse me any way he wanted.)

Judge Ellis and Judge Murphy have made his threats to me reality. The Collier Circuit Court has given my 12-year old daughter to the unrelated rapist, unsupervised.

Now you know, may God have mercy on the souls who have done this and are continuing to allow this to happen to an innocent 12-year old child.

Respectfully submitted,

I certify that a true and correct copy of this Addition to Emergency Motion has been sent to Thomas Franchino, at 1250 N. Tamiami Trail, Suite 106, Naples, Fl. 34102, Clerk of the 20th Circuit Court, Judge Monaco, Judge Murphy, Judge Hayes, by US Mail on September 2, 2003.

Karen Kae Kalberer Holcomb

Karen Kae Kalberer Holcomb pka Karen Bally and Karen Ford
PO Box 82, Ferndale, Fl, 34729 (407)-469-2510

SHERIFF DON HUNTER

Collier County Courthouse Building
3301 Tamiami Trail East, Naples Fl. 34112
Telephone (AC941)774-4434

[X] Supplement Incident # 80515-99
Agency ORI # FL0110000 07/29/99 –1620
Victim's name: FORD, KAREN
Original Offense: BATTERY, DOMESTIC VIOLENCE
Notification / Assignment

07-20-99, Dec. Rule was assigned this case for follow up investigation.

CCSO Records shows no prior DV related incidents between this victim and defendant. Per NCIC/FCIC the defendant has the following prior arrest history:
BURGLARY Lake Butler, Fl. (Prison)
(Convicted) 08-15- 69 (to 8-10-71)
GRAND LARCENY Orlando Fl. PD 08-24-73

Victim's Statement:

In a written statement obtained by the responding Deputy, the victim advised that she and the Defendant were arguing about money. The Defendant told the victim he should, **"BLOW MY FUCKING BRAINS OUT".** The Defendant then jabbed the victim between the eyes to illustrate his point.

Witness Statement: None
Defendant Statement: None
Victim injuries / Medical Records / Photographs:
Responding Deputy did not observe any visible injuries. No medical records were requested. No photographs were taken.
Reporting Officer *Det. W.A. Rule* ID 436
Editing Supervisor *CWL* ID 260
District D.V.U. (Domestic Violence Unit) Page 1 of 2

80515-99

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR COLLIER COUNTY, FLORIDA CRIMINAL ACTION

STATE OF FLORIDA,
Plaintiff,

vs. CASE NO. 99-6194-MMA
Charge(s) Battery, (Domestic against wife Karen Kae Ford)

John Ford,
Defendant

PLEA OF GUILTY OR NO CONTEST

I have appeared on the below-listed date before a judge in Collier County, Florida, and have been advised of and hereby swear under oath that I understand the following:

1. The nature and elements of the charge(s) in this cause.
2. The difference between the pleas of Guilty, No Contest, and Not Guilty, and the effect of each plea.
3. The possible results of entering this plea, including the maximum sentence which may be imposed now or upon a material violation of my probation and any mandatory sentence which must be imposed. I have read and understand the penalties as defined on the reverse side.
4. B. I have completely discussed my case and any defenses I might have with my attorney and am satisfied that she has done everything I have asked her to do.

I am entering this plea of my own free will ---.
I am not under the influence of any alcohol or drugs ---.
Having read and understood all of the above, I enter my plea of ( ) Guilty. (**X**) **NO CONTEST TO THE CHARGE(S).**
Janice T. Clement, Attorney, ***John S. Ford*, Defendant,**
DOB 3-5-51, Filed in open court 10-12-99

Brendn Culie County Judge
* Plea not accepted by Court.

IN THE CIRCUIT COURT of the 20th JUDICIAL CIRCUIT
IN AND FOR COLLIER COUNTY, FLORIDA

STATE OF FLORIDA
vs. CASE NO. 99-06194-MMA
FORD, JOHN S.

AFFIDAVIT OF KAREN KAE FORD

State of Florida County of Collier

"This paper was presented to me by Mr. Ford telling me that if I refused to sign he would have me killed and my daughter Spencyr killed." "I signed in fear of death threats."

Karen Kae Kalberer Holcomb
Karen Kae Kalberer Holcomb

BEFORE ME, the undersigned authority, did personally appear KAREN KAE FORD, the alleged victim in the above-style case, who, after being duly cautioned and sworn by me, upon her oath, deposes and says:

1. That my husband and I had been arguing most of the day on July 19, 1999, the day of the alleged battery incident.
2. That in the heat of the argument my husband did verbally threaten me.
3. That at no time during the argument did my husband touch me against my will or jab me between the eyes. {"lie,"John Ford did in fact jab me between the eyes}
4. That at no time were my daughters hysterical and in fear of my husband. {this also is a lie.}

Furhter Affiant Sayeth Naught. *Karen Kae Ford*
Sworn to and subscribed before me this 13th day of Sept., 1999 by Karen Kae Ford _X_ who produced identification.
SEAL: Notary Public *Vinell L. Hills*

HB IBM 0206 ***FELON*** **OPD ARREST REPORT**
Arrest No. 6503

Name: **Ford Jr. John**
Address: 5753 Harper Valley Rd., Apopka, Fl.
Occupation: Face F Seone, Employed by: LoBo Golf
Age: 22 Sex: M Race: W DOB: 3-5-51
POB: Unknown N.C. Prior local arrest: No
Booking Clerk: Gill DKT No. Felon
Arr. Off. OFD Gregory & Dobbs
Vehicle used: 1973 VW van 73 Fla. 7RV 3018
Charges: **Grand Larceny**

Location: 30 N. Coburn Time: 1455 Hrs. Date: 8-24-73
Disposition: TOT OCS 08/24/73
Warrant: Yes Police Report: Yes

Following to be filled out if subject's prints and photo are taken: Original to booking Officer, 2nd copy to I.D. 3rd ---.
Record no. 50663 Prints Photo: Yes
F.P.C. 14M IRt O-I 55 IT-OI
Photo no: 31636 Prints by: Hubbard
Ht: 5'10" Wt: 150 Eyes: Blu Hair: Brn Complexion: Fair
Condition of Arrestee: Good
Above Prisoner Received from OPD
Date 8-24-73 Time 1810
By A.P. Heischan Agency OPD – OCSO
Witness Gillentive
Property Yes

February 26, 2002
4606 Sloewood Ct.
Mt. Dora, Fl. 32757

The Honorable Governor of
Florida, Jeb Bush
PL 05 The Capitol, 400 South Monroe St.
Tallahassee, Fl. 32399-0001

Dear Governor Bush:

On February 19, 2002, I wrote a letter to you concerning the Collier Circuit Judge Ellis giving full custody and guardianship of our daughter to an unrelated, convicted felon, ex-stepfather, taking this 10-year old girl permanently from her mother.

We know now that this unrelated, convicted felon, ex-stepfather does not want custody of his 17-year old daughter, but only our 10-year old daughter that is not related to him.

A gift from Mexico, from the 19-year old half brother / drug dealer, living with Mr. Ford, was given to our daughter. I gave it to the Orlando Police Department and drug testing reveled that it had contained drugs.

On February 22, 2002 during a Court Ordered visitation, the unrelated, convicted felon, ex-stepfather was told by his 17-year old daughter that he needed to move the 10-year old girl from his bed, in his bedroom, out to the sleeper sofa where she, (the 17-year old daughter), was sleeping.

Mr. Ford, the 51-year old convicted felon, told his daughter to shut up and mind her own business. The unrelated, 51-year old man then spent all night in his bedroom, in the same bed, with our 10-year old daughter, that he is not biologically related to. He also spent all of the next night, February 23, 2002, in his bedroom, in his bed, with our 10-year old daughter. When the 17-year old daughter told us of where our 10-year old daughter was forced to sleep, our 10-year old daughter would not talk to us about what may have happened during those two nights, among other reasons may have been threats by the 51-year old convicted felon.

After the Collier Circuit Court Ordered visitation, our 10-year old daughter told us of a file folder that she saw at the 2940 S. Horseshoe Dr. Suite 1000, Naples 34104 warehouse, that had "E-bay, paid off judges, and I won" written on it. We have no idea of what may have been in the folder.

We assume that it is legal for judges or anyone to purchase goods and services from E-bay, from anyone, regardless of price.

Our daughter did not live in Collier County when the subject case was filed and served, and the 51-year old convicted felon, refused to take a scientific paternity test as required by F.S. 742.12, therefore no paternity was established nor exists to give the Collier Court Jurisdiction.

(Pages omitted) James Holcomb

Legal stepfather James Holcomb

Parties to the Proceeding

Karen Holcomb, Petitioner (Pro-Se)
Spencyr Holcomb (Minor Petitioner)
Aka Spencyr Paulina Kalberer-ford
(US and English dual citizenship by birth)
19950 CR 455, Clermont, Fl. 34711 (407) 469-2510
(Prior to removal by Appealed Order)
2358 River Reach Dr. Naples, FL 34104
(while with Respondent)

Ajit Mark Bally (Minor Appellant's Father)
Address unknown

John Ford, (Respondent)
2358 River Reach Dr. Naples, Fl 34104
No telephone

Thomas Franchino "Respondent Attorney of Record
1250 N. Tamiami Trail, Suite 106, Naples, Fl. 34102
(239)-263-8357

Subsidiary question under 28 U.S.C.-2403(b)
Attorney General of Florida Charley Crist, (Respondent)
Office of Attorney General
The Capitol PL-01, Tallahassee, FL 32399-1050
(850) 414-3990

U.K. British Ambassador
U.K. British Embassy (Minor Appellant British Rights)
3100 Massachusetts Ave.
Washington, DC, 20008